

ORDINANCE NO. ___ OR2016-2-7 ___

AN ORDINANCE AMENDING VARIOUS PORTIONS OF THE HOUSING CODE CHAPTER 1700 OF THE CITY OF HAMILTON'S CODIFIED ORDINANCES

WHEREAS, as a result of periodic review of the City's Housing Ordinance including both residential and non-residential sections of the code has revealed that changes could be made to improve the timeliness and clarify definitions; and

WHEREAS, the Ordinance Review Committee has reviewed the proposed amendments and received public input; and

WHEREAS, the Ordinance Review Committee at their meeting of January 6, 2016 recommended approval of the propose amendments;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That portions of Chapter 1700 of the City of Hamilton's Codified Ordinance, are hereby amended to be read as set forth Exhibits No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: February 10, 2016

___Pat Moeller_

Mayor

Effective Date: _March 10, 2016

ATTEST: ___Marcos Nichols___
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. OR2016-2-7_ was duly published as provided by Section 113.01 of the Codified Ordinance of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for period of ten days. POSTED: __February 12, 2016__.

___Marcos Nichols___
Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

Exhibit No. 1

TITLE ONE - HOUSING CODE

CHAPTER 1701 – GENERAL PROVISIONS

1701.01 FINDING OF FACT.

It is hereby found and declared that there exists in the City structures used for human habitation, which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and further that such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, insanitary conditions and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of its citizens. It is further found and declared that the existence of such conditions, factors or characteristics will, if not remedied, create slum and blighted areas requiring large scale clearance, and further that in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. It is further found and declared that the establishment and maintenance of minimum housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, morals and welfare. (Ord. 7714. Passed 3-28-73.)

1701.02 PURPOSE.

The purpose of the Housing Code is to provide basic and uniform standards, in terms of performance objectives implemented by specific requirements, governing the condition, occupancy and maintenance of residential premises, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof.

(Ord. 7714. Passed 3-28-73.)

1701.03 APPLICABILITY.

This Housing Code shall apply to all structures used for human habitation within the City and, insofar as other City ordinances and/or State statutes or codes do not establish rules of regulation and operation. (Ord. 7714. Passed 3-28-73.)

1701.04 CONFLICT OF LAW; HIGHER STANDARD TO PREVAIL.

Except as otherwise provided, the provisions of this Housing Code shall supersede laws, ordinances, codes or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this Housing Code; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this Housing Code and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

Where a provision of this Housing Code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law, ordinance, code or regulation or regulations adopted pursuant thereto, or other law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. (Ord. 7714. Passed 3-28-73.)

1701.05 ISSUANCE OF PERMITS AND LICENSES.

All departments, officials and employees of the City who have the duty or the authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling units, equipment or facilities, shall conform to the provisions of this Housing Code, and no such permit or license shall be issued, if such would be in conflict with this Housing Code, except as provided in Section [1701.04](#). (Ord. 7714. Passed 3-28-73.)

1701.06 RESPONSIBILITIES OF OWNER, OCCUPANT, OPERATOR AND AGENT.

Owners, occupants, operators and agents shall have all duties and responsibilities prescribed in this chapter, individually, jointly and severally. The owner, occupant, operator and agent shall monitor the frequency and adequacy of maintenance to assure on-going compliance with the provisions of this Housing Code, specifically Chapters [1705](#), [1709](#), [1713](#), [1717](#) and [1721](#).

(Ord. 2013-3-29. Passed 3-27-13.)

CHAPTER 1705 - ADMINISTRATION AND ENFORCEMENT

Sec. 1705.01: Rules and Regulations.

(a) The Commissioner of Health is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of the Housing and Non-Residential Property Maintenance Codes to secure the intent thereof.

(b) Such rules and regulations described in subsection (a) above shall not be in conflict with the provisions of the Housing and Non-Residential Property Maintenance Codes or any other ordinance of the City of Hamilton, nor shall they have the effect of waiving any provisions of the Housing Code, Non-Residential Property Maintenance Code, or any other ordinance.

(c) Such rules and regulations described in subsection (a) above shall have the same force and effect as the provisions of the Housing and Non-Residential Property Maintenance Codes, and the penalty for violation thereof shall be the same penalty for violation of the provisions of the Housing Code or Non-Residential Property Maintenance Code.

(d) Such rules and regulations described in subsection (a) above shall be on file and available as a matter of public record.

Sec. 1705.02: Inspection of Dwellings.

(a) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, and other property in order to safeguard the health, safety, morals, and welfare of the public.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under this Housing Code.

Sec. 1705.03: Access to Dwellings in Emergency.

The owner, operator, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or other property shall give personnel authorized pursuant to section 1705.02 access to such dwelling, dwelling unit, rooming house, rooming unit, or other property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1705.04: Identification of Authorized Personnel.

Personnel authorized pursuant to section 1705.02 to conduct inspections shall be supplied with official identification and shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, or other property.

Sec. 1705.05: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the person responsible therefore and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

(3) Specify a the time within which to comply; and

(4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

Sec. 1705.06: Final Order.

Any order contained in a notice of violation provided for in section 1705.05 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1705.07: Power to Act in Emergency.

(a) Whenever the Commissioner of Health, at any stage of the proceedings instituted under the provisions of this Housing Code, finds that a violation of the Housing or Non-Residential Property Maintenance Codes exists which 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 or she 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.

(b) Such order described in subsection (a) above may include an order to vacate as provided in section 1705.15.

(c) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.07.

Sec. 1705.08: Agency to Abate Hazards in Emergency.

Whenever any violation of the Housing or Non-Residential Property Maintenance Codes which, in the opinion of the Commissioner of Health, causes a direct hazard or immediate danger to the 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 section 1705.07, the Commissioner of Health may take such direct action as is necessary to abate the hazard or danger.

Sec. 1705.09: Demolition as Compliance.

(a) Any owner of a building, receiving notice of a violation stating that such building does not comply with the provisions of the Housing or Non-Residential Property Maintenance Codes, may demolish such building.

(b) Demolishing such building as outlined in subsection (a) above shall be deemed compliance with the order contained in the notice of violation.

Sec. 1705.10: Re-Inspection.

At the end of the period specified in a notice of violation, or any extension thereof, it shall be the duty of the Commissioner of Health to make, or cause to be made, a re-inspection of the building, structure, dwelling, dwelling unit, rooming house, rooming unit or property.

Sec. 1705.11: Extension of Compliance Time.

The Commissioner of Health may extend the compliance time specified in any order contained in a notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Code where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

Sec. 1705.12: Transfer of Ownership.

(a) No owner of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, upon whom any notice of violation issued pursuant to the Housing or Non-Residential Property Maintenance Codes has been served, shall sell, transfer, grant, mortgage, lease, or otherwise dispose thereof, such property to another until compliance of the provisions of such order contained in the notice of violation has been achieved; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such notice of violation and order and, at the same time, give adequate notification to the Commissioner of Health of his intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage or lease is proposed.

(b) A purchaser, transferee, grantee, mortgagee, or lessee, who has been informed of the existence of any notice of violation and order issued pursuant to the Housing or Non-Residential Property Maintenance Codes shall be bound thereby.

Sec. 1705.13: Unfit Buildings.

Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, shall be designated as unfit for human habitation if any of the following defects or conditions are found, and when, in the judgment of the Health Administrator, such defects create a hazard to the health, safety, or welfare of the occupants or of the public:

(a) It is damaged, decayed, dilapidated, unsanitary, unsafe, vermin-infested, and/or contains hazardous levels of lead-based paint, asbestos or other substances; or

(b) It lacks illumination, ventilation and/or required sanitation facilities; or

(c) The general condition of the property is unsanitary, unsafe and/or unhealthful; or

(d) It lacks any basic facility, including, but not limited to, water, waste-water disposal facilities, electricity and heat.

Sec. 1705.14: Notice.

Whenever any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may place a notice on the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, indicating that it is unfit for human habitation.

Sec. 1705.15: Order to Vacate.

(a) Whenever a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property has been designated as unfit for human habitation as provided in section 1705.13, the Commissioner of Health may order the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property to be vacated.

(b) Notwithstanding any other provision of the Housing and Non-Residential Property Maintenance Codes, such an order as described in subsection (a) above shall be effective immediately upon posting on the property that is the subject of the order and shall be complied with immediately or as otherwise provided. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the effective date of such order shall remain the date on which it was posted pursuant to this section 1705.15.

Sec. 1705.16: Vacation of Unfit Building.

(a) Any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13 and ordered vacated as provided in section 1705.15, shall be vacated within such reasonable time as the Commissioner of Health may specify in the order.

(b) Any such building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall neither be used for human habitation, nor the notice removed, until written approval is secured from the Commissioner of Health.

Sec. 1705.17: Removal of Notice.

No person shall deface or remove the notice placed as provided in section 1705.14, except as provided in section 1705.16(b).

Sec. 1705.18: Vacated Building Made Secure.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which has been vacated shall make the same safe and secure in whatever manner the Commissioner of Health deems necessary.

(b) Any vacant building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a public nuisance.

(c) The Commissioner of Health shall be authorized, when necessary, to enter any vacant, open, and unguarded property to board it or otherwise secure it in order to lessen the severity of the danger.

(d) In securing or boarding the property, the Commissioner of Health may call upon any department, division, or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such property.

(e) Such securing or boarding shall be deemed to constitute effective boarding, but does not abate the nuisance condition(s) previously identified, unless so declared in writing by the Commissioner of Health.

Sec. 1705.19: Effective Boarding.

(a) Pending the correction of violations of the Housing or Non-residential Property Maintenance Codes to the minimum standards provided therein, as well as the standards specified in the Ohio Revised Code and the Ohio Administrative Code, the owner or operator of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall secure the same through effective boarding.

(1) The Commissioner of Health, or his or her designee, shall review the condition of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, and set forth special requirements, if any, necessary for compliance with the minimum standards for effective boarding.

(2) If a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property cannot be effectively boarded due to its condition, its rehabilitation shall be undertaken immediately or it shall be demolished by the owner or operator as provided in Chapter 1767.

(3) The owner or operator shall effectively board the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property and post a sign on the front of the building containing the owner's or operator's name and phone number to be contacted in case of emergency using at least two-inch (2") lettering within two (2) days from the receipt of the notice of violation, or within such other time limit that the Commissioner of Health shall permit.

(b) Materials. The effective boarding of a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property shall include, but not be limited to doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such opening(s) shall be secured by plywood not less than one-half (.5) inch thick, wire mesh or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight (48) inches wide shall be framed with two-inch (2") by four-inch (4") lumber, plywood, wire mesh, or equivalent material fastened twenty-four (24) inches on center onto the frame. The

plywood or equivalent material shall be fastened into the openings by screw type nails, lag screws, or equivalent fasteners.

(c) Monitoring and Maintenance. Upon effectively boarding a building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property, the owner or operator shall monitor and maintain the building or structure and its surrounding property in a safe, sanitary, and secure condition.

(1) Any portion of the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property which is deemed to be potentially hazardous, due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such manner so as to eliminate the hazard.

(2) Failure of the owner or operator to properly maintain the building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property in the above condition will result in the structure being deemed a public nuisance.

Sec. 1705.20: Insurance or Bond Requirements for Vacant Buildings.

(a) The owner or operator of any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property designated as unfit for human habitation pursuant to section 1705.13, and ordered vacated, as provided in section 1705.15, shall acquire insurance or post a bond in the amounts set forth below to cover liability for damages that may be proximately caused as a result of the condition of that property:

(1) Not less than three hundred thousand dollars (\$300,000.00) for buildings designated primarily for use as residential units, including buildings containing no more than four (4) dwelling units; and

(2) Not less than one million dollars (\$1,000,000.00) for any other building, structure, dwelling, dwelling unit, rooming house, rooming unit, or property.

(b) The owner or operator shall provide proof of such insurance or bond to the Commissioner of Health within thirty (30) days of any determination that the property is unfit for human habitation pursuant to section 1705.13 and ordered vacated.

(c) The owner or operator shall provide written notice to the Commissioner of Health within thirty (30) days of any lapse, cancellation, or change in coverage and shall, upon request, provide evidence of said insurance or bond to the Commissioner of Health.

Sec. 1705.21: Expenses Recoverable.

(a) Any expenses incurred by the City as a result of violations of the Housing or Non-Residential Property Maintenance Code shall be paid by the owner or operator of the affected property, or by the person who caused or maintained the subject violations, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The Commissioner of Health shall file among the records of the Department of Community Development - Health Division an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of the actions authorized by sections of the Housing or Non-Residential Property Maintenance Code.

(c) The Commissioner of Health may:

(1) issue a complaint to the Director of Law pursuant to section 1705.27 for collection of the expenses and costs incurred as a result of violations of the Housing or Non-Residential Property Maintenance Code; or

(2) make a written return to the county auditor of the action taken as a result of violations of the Housing or Non-Residential Property Maintenance Code, with a statement of the expenses incurred by the City and the administrative costs, and a proper description of the property. Such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon such property from the date of the entry, and shall be collected as other taxes and returned to the City with the general fund.

(d) Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien herein authorized.

Sec. 1705.25: Appeals Board.

(a) There is hereby created a Nuisance Appeals Board of seven (7) members to conduct hearings authorized by the Housing and Non-Residential Property Maintenance Codes. Four (4) members of the Nuisance Appeals Board in attendance at any meeting shall constitute a quorum.

(b) Such Nuisance Appeals Board shall:

(1) Consist of: the Public Safety Director, who shall be the Chairperson of the Board; the Community Development Director, who shall be the Secretary of the Board; the Fire Chief; the Police Chief; and three (3) additional members as follows: one (1) appointed by the Greater Hamilton Chamber of Commerce; one (1) appointed by the Investment Property Owners Association of Butler County, Ohio, Inc.; and one (1) appointed by Neighborhood Housing Services of Hamilton, Inc. The additional members shall not be City employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. The term of membership for the additional members shall be two years, except that upon adoption of this section the member appointed by the Greater Hamilton Chamber of Commerce shall be appointed for a one year term. If an appointment is vacated by one of the additional members, the replacement for that appointment shall be selected by the organization that appointed the vacating member, and the new appointee shall complete the unexpired term of the previous member. There is no limit on the number of terms that may be served should a member be reappointed by the appointing organization. The additional members must be residents of the City. No person may be appointed as an additional member, or can continue to serve as an additional member, if such person is the owner or operator of a property to which two (2) or more notices of violation have been issued pursuant to section 1705.05 or 1779.15 within any two (2) year period, relative to the same property, and final orders relative to such notices are, or were, not complied with within the time provided.

(2) Adopt rules of procedure not inconsistent with the Housing and Non-Residential Property Maintenance Codes.

(c) No member of the Nuisance Appeals Board shall take part in any hearing or determination in which he has a personal or financial interest.

Sec. 1705.26: Hearing.

(a) Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Housing or Non-Residential Property Maintenance Codes may request and shall be granted a hearing on the matter before the Nuisance Appeals Board, provided that such person files in the office of the Department of Community Development - Health Division a written petition requesting such hearing and setting forth:

(1) The complete name, address, and telephone number of the petitioner;

(2) The date and description of the alleged violation; and

(3) A brief statement of the grounds for such hearing or for the mitigation of any item appearing on any notice of violation issued under the provisions of the Housing or Non-Residential Property Maintenance Codes.

(b) The petition shall be filed within five (5) days after the day a notice of violation is received.

(c) Upon receipt of such a petition, the Commissioner of Health shall schedule a hearing to take place before the Nuisance Appeals Board no later than thirty (30) days after receipt of the petition, and shall give the petitioner written notice thereof.

(d) At such hearing, the petitioner shall be given an opportunity to be heard and show cause why any item appearing on such notice of violation should be modified or withdrawn.

(e) 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.

(f) After a hearing, the Nuisance Appeals Board shall, by majority vote, sustain, modify, or withdraw any item appearing on the notice of violation. The Nuisance Appeals Board shall issue its findings and decision, in writing, within ten (10) business days to petitioner and the Commissioner of Health. With respect to all items appearing on the notice of violation that are not withdrawn pursuant to the vote of the Nuisance Appeals Board, the findings and decision of the Nuisance Appeals Board shall constitute a final order to petitioner as to such items to take the remedial action ordered in the notice of violation which will effect compliance with the provisions of the Housing or Non-Residential Property Maintenance Codes.

(g) The proceedings at such hearings shall be summarized and reduced to writing and entered as a matter of public record in the Department of Community Development - Health Division, along with the findings and decision of the Nuisance Appeals Board.

(h) Such record shall also include a copy of every notice and/or order issued in connection with the matter.

Sec. 1705.27: Legal Remedies.

(a) The Director of Law shall, upon complaint of the Commissioner of Health or upon his or her own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and take such other legal action as is necessary to carry out the terms and provisions of the Housing and Non-Residential Property Maintenance Codes.

(b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(c) 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.

Sec. 1705.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1705.99: Penalty.

(a) Criminal Penalties. Any person, owner, operator, or occupant who violates or fails to comply with any of the provisions of the Housing Code or any chapter contained therein shall be guilty of an unclassified misdemeanor and, in addition to the imposition of court costs pursuant to Ohio Revised Code section 2947.23, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one hundred eighty (180) days, or both, and shall, in addition to any other penalties within these maximum amounts, be subject to imposition of the following minimum mandatory penalties, which shall not be suspended or held in abeyance:

(1) If, within two (2) years of the offense, a person, owner, operator, or occupant has not previously been convicted of or plead guilty to any violation of a section of the Housing Code, shall be fined not less than one hundred and fifty dollars (\$150.00).

(2) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to one violation of a section of the Housing Code, shall be fined not less than five hundred dollars (\$500.00).

(3) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to two (2) violations of a section of the Housing Code, shall be fined not less than seven hundred and fifty dollars (\$750.00).

(4) If, within two (2) years of the offense a person, owner, operator, or occupant has previously been convicted of or plead guilty to three (3) or more violations of a section of the Housing Code, shall be fined not less than one thousand dollars (\$1,000).

(b) Application of Prior Convictions. A conviction or convictions obtained on or after the effective date of this section shall constitute a conviction or convictions for purposes of enforcement of the minimum mandatory penalties required by this section. Each separate count of which a person has been convicted shall constitute a separate violation of a section of the Housing Code.

(c) Continuing Violations. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(d) Strict Liability. The provisions of this chapter are specifically intended to impose strict liability.

CHAPTER 1709 - DEFINITIONS

As used in Chapters 1701, 1705, 1709, 1713, 1717, 1721, 1767, and 1779 of Part 17 – Health Code of the Codified Ordinances of the City of Hamilton, Ohio:

Sec. 1709.01: Accessory Structure.

“*Accessory Structure*” means a structure, the use of which is incidental to that of the main building, and which is attached thereto or located on the same property.

Sec. 1709.02: Approved.

“*Approved*” means approved by:

(a) The Commissioner of Health under the provisions of the Housing or Non-Residential Property Maintenance Codes or under the rules and regulations adopted pursuant thereto; or

(b) An authority designated by law or by the Housing or Non-Residential Property Maintenance Codes.

Sec. 1709.03: Basement.

“*Basement*” means the portion of the building that is partly underground which has more than one-half (1/2) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining the building.

Sec. 1709.04: Bathroom.

“*Bathroom*” means an enclosed space containing one or more bathtub(s), shower(s), or both, and which may also include toilet(s), lavatories, or fixture(s) serving similar purposes.

Sec. 1709.05: Boarding House.

“*Boarding House*” means a rooming house where, for compensation and by prearrangement for definite periods, meals are provided for five (5) or more persons.

Sec. 1709.06: Building.

(a) “*Building*” means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property.

(b) The word “*Building*” shall be construed, when used herein, as though followed by the words “or part or parts thereof” unless the context clearly requires a different meaning.

Sec. 1709.07: Building Code.

“*Building Code*” means the Ohio Building Code or the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings.

Sec. 1709.08: Cellar.

“*Cellar*” means the lowermost portion of the building partly or totally underground having half (1/2) or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

Sec. 1709.09: Chief of Police.

“*Chief of Police*” means the police authority of the City of Hamilton, and his or her authorized representative.

Sec. 1709.10: City.

“*City*” means the City of Hamilton, Ohio.

Sec. 1709.11: Commissioner of Health.

“*Commissioner of Health*” means the health authority of the City of Hamilton, and his or her authorized representative or designee

Sec. 1709.12: Council.

“*Council*” means the City Council of the City of Hamilton, Ohio.

Sec. 1709.13: Deteriorate.

“*Deteriorate*” means to fall below the conditions of good repair.

Sec. 1709.14: Dwelling.

“*Dwelling*” means a building containing enclosed space which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Sec. 1709.15: Dwelling Unit.

"Dwelling Unit" means one or more rooms with living, cooking, sanitary, and sleeping facilities therein, arranged for one family with whom may reside not more than four (4) lodgers or boarders.

Sec. 1709.16: Engineer.

"Engineer" means the City Engineer for the City of Hamilton, or his or her designee.

Sec. 1709.17: Excessive Vegetation.

"Excessive Vegetation" means all vegetation, dead or alive, other than the following:

- (a) Ground cover;
- (b) Shrubbery;
- (c) Flowers; and
- (d) Trees which are planted and maintained.

Sec. 1709.18: Exterior Property or Exterior Property Area.

"Exterior Property" or *"Exterior Property Area"* means the open space on the property and on adjoining property under the control of the owners, operators, or occupants of such property.

Sec. 1709.19: Extermination.

"Extermination" means the control and elimination of insects, rodents, and vermin:

- (a) By eliminating their harborage places,
- (b) By removing or making inaccessible materials that may serve as their food;
- (c) By poisoning, spraying, fumigating, or trapping them; or
- (d) By any other approved means of pest elimination.

Sec. 1709.20: Garbage.

"Garbage" means the animal, vegetable, and mineral waste resulting from the handling, preparation, cooking, and consumption of food.

Sec. 1709.21: Grade.

"Grade" means:

- (a) The natural surface of the ground, or
- (b) The surface of the ground after completion of any change in contour.

Sec. 1709.22: Graffiti.

“*Graffiti*” means unauthorized drawings or markings on an exterior surface, without regard to the content of the drawing or marking.

Sec. 1709.23: Gross Floor Area.

“*Gross Floor Area*” means the total net area of all habitable space.

Sec. 1709.24: Grounds.

“*Grounds*” means that portion of real property which does not support a building or structure.

Sec. 1709.25: Habitable Space.

(a) “*Habitable Space*” means space occupied by one or more persons for living, sleeping, eating, or cooking.

(b) Kitchenettes shall not be deemed to be “*habitable space*.”

Sec. 1709.26: Hot Water.

“*Hot Water*” means water heated to a temperature of not less than one hundred and twenty degrees Fahrenheit (120° F.) at the outlet.

Sec. 1709.27: Housing Code.

“*Housing Code*”, as used in Title One of Part Seventeen - Health Code, means Ordinance 7714, passed March 28, 1973, as amended.

Sec. 1709.28: Infestation.

“*Infestation*” means the presence, within or contiguous to a dwelling, dwelling unit, rooming house, rooming unit, or property, of insects, rodents, vermin, or other pests.

Sec. 1709.29: Kitchen.

(a) “*Kitchen*” means space sixty (60) square feet or more in floor area, with a minimum width of five (5) feet, used for cooking or preparation of food.

(b) A “*Kitchen*” shall be deemed habitable space.

Sec. 1709.30: Kitchenette.

(a) “*Kitchenette*” means space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

- (b) A “*Kitchenette*” shall not be deemed to be habitable space.

Sec. 1709.31: Mobile Home.

“*Mobile Home*” means a movable living unit equipped with a chassis and provided with the following mechanical equipment:

- (a) Plumbing, and
- (b) Heating, and
- (c) Electrical, and
- (d) Cooking, and
- (e) Refrigeration.

Sec. 1709.32: Multiple Dwelling.

“*Multiple Dwelling*” means a building containing two (2) or more dwelling units and/or rooming units.

Sec. 1709.33: Non-habitable Space.

“*Non-habitable Space*” means space used as:

- (a) 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
- (b) Those spaces used for access and vertical travel between stories.

Sec. 1709.34: Non-Residential Property.

“*Non-Residential Property*” means:

- (a) (1) A lot or tract of land;
- (2) A building or other structure; or
- (3) Grounds

which is/are:

- (b) (1) Used;
- (2) Intended to be used; or
- (3) Last actively used

primarily for non-residential purposes.

Sec. 1709.35: Nuisance.

“Nuisance” or “Public Nuisance” means any underground container or storage tank, fence, wall, garage, shed, house, lot, building, structure, tree, pole, smoke stack, excavation, basement, cellar, well, cistern, sidewalk subspace, walks, driveways, terrace steps or parts thereof, which has any or all of the conditions or defects hereinafter described:

(a) The following conditions or defects shall constitute a public nuisance when they endanger the life, health, property, safety, or welfare of the public, or of any current or prospective occupants:

(1) Whenever the property is a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

(2) Whenever the property is vacant and is not secured in the manner required pursuant to section 1705.19.

(3) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(4) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

(5) Whenever any building or structure is determined to be a fire hazard.

(6) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(7) Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is determined to be unsafe for occupation due to the lack of:

A. Structural strength;

B. Fire-resisting qualities or characteristics; or

C. Weather-resisting qualities or characteristics required by law.

(8) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

(9) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

A. An attractive nuisance to children;

B. A harbor for vagrants, criminals or immoral persons; or as to

C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(10) Whenever the building or structure, exclusive of the foundation, because of inadequate maintenance, dilapidation, decay, faulty construction or arrangement, suffers damage or deterioration of its supporting member or members, or damage or deterioration of its non-supporting members, enclosing or outside walls or coverings, such that said condition endangers the life, health, property, safety, or welfare of the public, or of any current or prospective occupants.

(11) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(12) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(13) Whenever the building or structure, or any portion thereof, because of:

A. Dilapidation, deterioration or decay;

B. Faulty construction;

C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

D. The deterioration, decay or inadequacy of its foundation; or

E. Any other cause;

is likely to partially or completely collapse.

(14) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is reasonably safe.

(15) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the applicable Building Code for new

buildings of similar structure, purpose or location without exceeding the working stresses permitted in the applicable Building Code for such buildings.

(16) Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(17) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the applicable Building Code for new buildings of similar structure, purpose or location.

(18) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the applicable Building Code for new buildings of similar structure, purpose or location.

(19) Whenever the walking surface of any aisle, passageway, stairway or other element of a means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(20) Whenever any door, aisle, passageway, stairway or other element of a means of egress is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress and creates a serious hazard.

(b) The following conditions shall constitute a public nuisance:

(1) That which is defined as a nuisance in Ohio Revised Code section 3767.01(c), which is incorporated herein by reference and made a part hereof.

(2) That which is defined as a nuisance in Ohio Revised Code section 4301.73, which is incorporated herein by reference and made a part hereof.

(3) Property, including vacant land, on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 occurs, regardless of whether there has been a conviction for said violation.

Sec. 1709.36: Obsolete.

“Obsolete” means no longer serving any current purpose, either aesthetic or functional.

Sec. 1709.37: Occupancy.

“Occupancy” means the purpose for which a building, or portion thereof, is used.

Sec. 1709.38: Occupant.

“Occupant” means any person over one year of age, living, sleeping, cooking, or eating in, or who has actual or constructive possession of, property, including, without limitation, a lessee, sub-lessee, assignee, licensee, or permittee.

Sec. 1709.39: Openable Area.

“Openable Area” means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Sec. 1709.40: Operator.

“Operator” means any person who has charge, care, or control of property.

Sec. 1709.41: Outside Design Temperature.

"Outside Design Temperature" means temperature based on the average of the low annual temperature recorded in the area, either during the last twenty-five (25) years or as long as temperature records have been kept, if less than twenty-five (25) years.

Sec. 1709.42: Owner.

- (a) *"Owner"* means:
- (1) The owner or owners of record of property in fee, or lesser estate therein;
 - (2) A mortgagee in possession;
 - (3) Vendee of record;
 - (4) Assignee of the rents,
 - (5) Receiver, executor, administrator, trustee, lessee, or other person, firm, corporation or business entity or organization in control of a building, or their duly authorized agents.
- (b) Any person or entity representing the owner shall be held to comply with the provisions of this Part 17 to the same extent as if he or it were the owner.
- (c) The usual place of residence of the owner shall be the last known address of the owner, or that address used by the Treasurer of Butler County for tax purposes.

Sec. 1709.43: Person.

"Person" means any entity, either natural or created by law, including, but not limited to, a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian, or other fiduciary.

Sec. 1709.44: Plumbing.

"Plumbing" means the practice, materials, and fixtures utilized in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances.

Sec. 1709.45: Plumbing Fixture.

- "Plumbing Fixture"* means a receptacle or device which:
- (a) Is either permanently or temporarily connected to the water distribution system of the property, and demands a supply of water therefrom; or
 - (b) Discharges waste water, liquid-borne waste materials, or sewage, either directly or indirectly, to the drainage system of the property; or
 - (c) Which requires both a water supply connection and a discharge to the drainage system of the property.

Sec. 1709.46: Plumbing System.

"Plumbing System" means the pipes, fixtures, and other apparatus for:

- (a) Supplying water for consumption; or

- (b) The conveyance of waste and drainage.

Sec. 1709.47: Potable Water.

"Potable Water" means water duly approved as satisfactory and safe for drinking.

Sec. 1709.48: Property.

"Property" means a lot, plot, or parcel of land, including any buildings or structures thereon.

Sec. 1709.49: Public Sewer.

"Public Sewer" means the sewer operating by a public authority or public utility, and available for public use.

Sec. 1709.50: Rooming House.

"Rooming House" means a building, or part thereof, which contains one or more rooming units, and in which space is occupied, or intended to be occupied, by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Sec. 1709.51: Rooming Unit.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used, or intended to be used, for living or sleeping, but not for cooking or eating purposes.

Sec. 1709.52: Rubbish.

"Rubbish" means all combustible and noncombustible waste, except garbage. The term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Sec. 1709.53: Sewage.

"Sewage" means liquid-carried waste from a flushed 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.

Sec. 1709.54: Structure.

(a) *"Structure"* means a combination of any materials, whether fixed or portable, forming a construction, including any building, dwelling, dwelling unit, rooming house, or rooming unit.

(b) *"Structure"* shall be construed, when used herein, as though followed by the words "or part or parts thereof".

Sec. 1709.55: Supplied Facilities.

“*Supplied Facilities*” means facilities paid for, furnished, provided by, or under the control of the owner or operator.

Sec. 1709.56: Temporary Housing.

(a) “*Temporary Housing*” means any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not secured to the ground, to another structure, or is not connected to any utility system for more than thirty (30) consecutive days.

(b) Any tent, trailer, or other structure occupied for more than thirty (30) consecutive days shall meet all requirements of this Housing Code.

Sec. 1709.57: Toilet Room or Compartment.

“*Toilet Room or Compartment*” means an enclosed space containing one or more toilet(s), which may also contain one or more lavatories, urinal(s), and other plumbing fixtures.

Sec. 1709.58: Trailer.

“*Trailer*” means a movable living unit equipped with a chassis, but lacking any of the following mechanical systems and equipment:

- (a) Plumbing; or
- (b) Heating; or
- (c) Electrical; or
- (d) Cooking; or
- (e) Refrigeration.

Sec. 1709.59: Ventilation.

“*Ventilation*” means the supply and removal of conditioned or unconditioned air to and from any space by mechanical or natural means.

Sec. 1709.60: Ventilation, mechanical.

“*Mechanical Ventilation*” means ventilation by power-driven devices.

Sec. 1709.61: Ventilation, natural.

“*Natural Ventilation*” means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

Sec. 1709.62: Yard.

“Yard” means an open space on the same lot with a structure.

Sec. 1709.63: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1713 – ENVIRONMENTAL REQUIREMENTS

Sec. 1713.01: Hazards.

Exterior property areas shall be free from conditions that might create a nuisance or become a health, accident, or fire hazard.

Sec. 1713.02: Rubbish and Garbage Outside.

Exterior property areas shall be kept free from organic and inorganic material that might become a nuisance or a health, accident, or fire hazard.

Sec. 1713.03: Discharge of Sewage.

- (a) Sewage must be discharged into a public sewer system, except as provided in section 1717.05.
- (b) Discharge of inadequately treated sewage shall not be permitted upon the surface of the ground or into any natural or artificial surface drainage ways or into any drains intended for storm drainage only.

Sec. 1713.04: Storm Water Drainage.

- (a) Storm water shall be properly drained to prevent recurrent or excessive ponding or the entrance of water into any basement or cellar.
- (b) Downspouts, foundation drains, and other storm and surface water drains shall not be connected to sanitary sewers.

Sec. 1713.05: Noxious Weeds.

Exterior property areas shall be kept free from noxious weeds, as defined in section 1763.01(f), and any species of weeds or plant growth which are physically harmful or destructive to living human beings.

Sec. 1713.06: Insect and Rodent Harborage Outside.

Exterior property areas shall be kept free from sources of insect, vermin, and/or rodent breeding, harborage, and infestation.

Sec. 1713.07: Number of Animals Restricted.

(a) No person shall maintain upon any property such number of household pets or other animals as will create a nuisance.

(b) No person shall keep or maintain upon any one property in the City more than five (5) total adult dogs and/or cats, nor any combination of adult dogs and cats exceeding five (5).

(1) This provision shall not apply to property which is properly zoned and licensed as a kennel.

(c) Whoever violates or fails to comply with any of the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined or incarcerated as follows:

(1) For the first conviction of an offender for violating this section, the court shall impose a fine of one hundred and fifty dollars (\$150.00).

(2) For a second conviction of the same offender within a period of two (2) years, the offender shall be fined not less than five hundred dollars (\$500.00).

(3) For a third or any subsequent conviction of an offender for the violation of this section within a period of two (2) years, the offender shall be fined not more than seven hundred and fifty dollars (\$750.00) or imprisoned not more than ninety (90) days, or both.

Sec. 1713.08: Accessory Structures.

Accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(a) In good repair; and

(1) As pertaining to fences and fence-like structures:

A. No section(s) of the fence or fence-like structure shall be missing; and

B. No section(s) of the fence or fence-like structure shall be broken; and

C. If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.

(b) Free from health, fire, and accident hazards; and

(c) Free from vermin, insect, and rodent harborage.

Sec. 1713.09: Foundation Walls.

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound.

Sec. 1713.10: Stairs, Sidewalks, Driveways, Porches, and Railings Outside.

(a) The stairs, sidewalks, driveways, porches, and railings, affixed to the exterior of, or servicing, any structure used for human habitation, shall be kept in good repair and structurally sound.

(b) Railings shall be provided for stairs and balconies and, where necessary, for porches and accessible roofs.

Sec. 1713.11: Weather and Watertight.

Every structure used for human habitation shall be so maintained that it will be weather and watertight.

Sec. 1713.12: Protective Coating.

(a) The exterior surfaces of all structures shall be kept painted or protected with an approved coating or material, where necessary, for the purposes of preservation and avoiding a blighting influence on adjoining property.

(b) Exterior wood, composition, or metal surfaces shall be protected from the elements by paint or another protective covering, applied in an approved manner according to manufacturer's suggestion, and of a color and appearance to match or complement other structural surfaces on the property.

(c) Surfaces shall be maintained in a manner where they are kept clean and free of flaking, loose, or peeling paint or covering.

(d) Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

Sec. 1713.13: Overhanging Objects.

Every structure used for human habitation shall be free of insecure overhanging objects.

Sec. 1713.14: Vermin and Rodents.

The exterior of every structure used for human habitation shall be so maintained as to be vermin and rodent free.

Sec. 1713.15: Screens.

(a) During that portion of the year when there is a need for protection against flies and other flying insects, every door opening directly from a dwelling unit to outside space that is used for ventilation shall be supplied with properly fitting screens having at least sixteen (16) mesh and a self-closing device.

(b) Every window or other device with openings to outdoor space used, or intended to be used, for ventilation shall be supplied with screens having at least sixteen (16) mesh.

Sec. 1713.16: Dampness.

Cellars, basements, and crawl spaces in every structure used for human habitation shall be reasonably free from dampness.

Sec. 1713.17: Structural Members.

Supporting structural members of every structure used for human habitation shall be structurally sound.

Sec. 1713.18: Chimneys, Flues and Vents.

Chimneys and all flue and vent attachments thereto, and all other flues and vents, of every structure used for human habitation, shall be structurally sound, free from defects, and able to perform the function for which they were designed and are used.

Sec. 1713.19: Stairs and Railings Inside.

(a) 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.

(b) Railings shall be provided for stairs, balconies, landings, and stairwells in every structure used for human habitation.

Sec. 1713.20: Floors, Walls, and Ceilings.

Floors, walls, and ceilings of every structure used for human habitation shall be structurally sound, free from irregularities that may be a cause of accidents, and maintained in a clean and sanitary condition.

Sec. 1713.21: Bathroom Floors.

Bathroom, shower room, and toilet room or compartment floors of every structure used for human habitation shall be water resistant.

Sec. 1713.22: Rubbish and Garbage Inside.

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

Sec. 1713.23: Insect and Rodent Harborage Inside.

The interior of every structure used for human habitation shall be free from insect, rodent, and/or vermin infestation.

Sec. 1713.24: Outdoor Use of Furniture Susceptible to Weather and/or Rodents.

(a) No person, being the owner, operator, or occupant of any building, room, or property shall store, use, or permit to remain on the property under his or her control, in any outdoor area susceptible to moisture from inclement weather (including rain, snow, or hail), or infestation by insect, rodent, or other pest, any furniture designed for indoor use, including but not limited to cushions, pillows, mattresses, couches, and/or chairs.

(b) Subsection (a) above shall not apply to furniture specifically designed and/or intended for outdoor use.

(c) No person, being the owner, operator, or occupant of any building, room, or property, shall store, use, or permit to remain on property under his control, in any outdoor area, furniture which was originally designed for outdoor use which is now dilapidated or deteriorated.

(d) This section shall not apply to otherwise prohibited furniture properly deposited on or near the curb for litter or refuse collection.

Sec. 1713.25: Gutters and Downspouts.

All gutters and downspouts shall be properly installed in accordance with the applicable Building Code and kept in sound working condition and in good repair.

Sec. 1713.26: Graffiti Prohibited.

(a) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on such building, fence, gate, or accessory structure thereof

(b) No owner, operator, or occupant of any residential structure shall fail to remove graffiti that is present on any rock, structure, tree, wall, or other structure on the property located on the parcel.

(c) Whoever violates or fails to comply with this section shall be notified of the violation pursuant to section 1705.05 of the City of Hamilton Codified Ordinances, Title 1, Housing Code.

(d) In addition to any penalties provided by law or ordinance, a violation of subsections (a) or (b) above shall cause the Commissioner of Health to remove the graffiti and the Commissioner shall charge the cost of such removal, together with the administrative costs incurred with regard to such removal, to the owner, operator, or occupant of the property.

(1) If such cost is not paid by the owner, operator, or occupant of the property within thirty (30) days after having been billed for the same, the sum may be certified by the proper City official to the Auditor of Butler County, Ohio and placed upon the tax duplicate for collection, to be collected as other taxes are collected, and shall be a lien against such property until paid.

(2) The City may also collect such costs through a civil action in the appropriate court of law having jurisdiction thereof.

Sec. 1713.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1717 – SPACE AND OCCUPANCY REQUIREMENTS

Sec. 1717.01: Potable Water Supply.

(a) Every dwelling, dwelling unit, and rooming house shall be supplied with a potable water supply.

(b) There shall be adequate water supply and pressure at all installed hot and cold water outlets.

(c) During interruption of potable water supply, every dwelling, dwelling unit, and rooming house shall be supplied with one gallon per person per day of potable water.

Sec. 1717.02: Hot Water.

Every dwelling, dwelling unit, and rooming house shall have an adequate supply of hot water that is properly connected to plumbing fixtures requiring hot water.

Sec. 1717.03: Plumbing Fixtures.

- (a) Within every dwelling unit there shall be the following plumbing fixtures:
 - (1) Kitchen sink, and
 - (2) Toilet, and
 - (3) Bathtub or shower, and
 - (4) Lavatory.
- (b) Kitchen sinks, bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.

Sec. 1717.04: Plumbing Fixtures in Rooming Houses.

- (a) In every rooming house the following minimum plumbing fixtures are required for each multiple of ten (10) males, or fraction thereof, and for each multiple of ten (10) females or fraction thereof:
 - (1) Toilet, and
 - (2) Bathtub or shower, and
 - (3) Lavatory.
- (b) Bathtubs, showers, and lavatories shall be properly connected to both hot and cold water lines.
- (c) All fixtures shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.
- (d) Where sleeping accommodations are arranged as a dormitory, the same plumbing fixtures are required as in the ratios stated in subsection (a) above.
- (e) Where toilet rooms are provided for the exclusive use of males, urinals may be substituted for not more than one-third (1/3) of the required number of toilets.

Sec. 1717.05: Plumbing Fixture Connections 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.

Sec. 1717.06: Privies Not Permitted.

No privy shall be constructed or continued in operation without the written approval of the City of Hamilton Health Department.

Sec. 1717.07: 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 seventy degrees Fahrenheit (70°F), based on inside ambient temperature in all habitable rooms, bathrooms, and toilet and/or shower rooms and/or compartments.

Sec. 1717.08: Electrical Service.

Every dwelling, dwelling unit, rooming house, and rooming unit shall be provided with approved electrical service.

Sec. 1717.09: Cooking Facilities.

Every dwelling unit shall be provided with installed cooking facilities or utility connections for such facilities.

Sec. 1717.10: Communal Cooking and Dining Facilities.

(a) Every communal kitchen and dining room located in a boarding house shall have adequate floor space and facilities and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant.

(b) The preparation and eating of meals in rooming units is prohibited.

(c) All boarding houses shall meet the applicable requirements of the applicable Building Code, and shall possess a valid food service operation license.

(d) Communal kitchens and dining rooms shall comply with the following requirements:

(1) Communal kitchens shall have a minimum gross floor area of sixty (60) square feet and a minimum width of five (5) feet where cooking is permitted.

(2) Communal kitchens used for combined cooking and eating purposes shall have a minimum gross floor area of one hundred (100) square feet, and a minimum width of seven (7) feet. Dining space and eating facilities shall comply with requirements for communal dining rooms.

(3) Required facilities are:

A. At least one kitchen sink; and

B. At least one kitchen gas or electric stove containing at least two (2) top burners and an oven; and

C. At least one electric, gas, or other mechanical or suitably constructed ice refrigerator with adequate food storage capacity and adequate lineal feet of shelf storage space.

(4) Communal dining rooms shall have a minimum gross floor area of seventy (70) square feet.

(e) Required facilities for communal dining rooms include:

(1) At least one dining chair, and

(2) At least two (2) lineal feet of dining space for each occupant permitted in dining room at any particular time.

Sec. 1717.11: Refrigerated Space.

In every dwelling unit where perishable foods are kept, refrigerated space for their storage, or appropriate utility connections, shall be provided.

Sec. 1717.12: Means of Egress.

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

Sec. 1717.13: Maintenance of Plumbing Fixtures.

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

Sec. 1717.14: 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.

Sec. 1717.15: Installation of Heating Equipment.

Every heating, cooking, and water-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.

Sec. 1717.16: Venting of Heating Equipment.

All heating, cooking, and water-heating equipment which burns solid fuels shall be properly connected to a chimney or flue, and such heating equipment which burns liquid or gaseous fuels shall be properly connected to a supply line and, where required, to a chimney, flue, or vent.

Sec. 1717.17: 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.

Sec. 1717.18: Storage of Fuels.

All fuels stored on property for the operation of heat-producing equipment shall be stored in a safe manner.

Sec. 1717.19: Maintenance of Electrical Wiring and Devices.

(a) Electrical wiring and devices located in a structure used for human habitation shall be so designed, installed, and maintained so as not to be a potential source of ignition of combustible material or an electrical hazard.

(b) The rating or setting of overcurrent devices shall not be in excess of the carrying capacity of the circuit conductor.

Sec. 1717.20: Dwelling Unit Space.

(a) Every dwelling unit shall contain a minimum gross floor area of:

- (1) At least one hundred and fifty (150) square feet for the first occupant, and
- (2) At least one hundred (100) square feet for each occupant thereafter.

(b) The maximum occupancy of any dwelling unit shall not exceed a total number of persons equal to two (2) times the number of its habitable rooms.

Sec. 1717.21: Ceiling Height.

Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty percent (50%) of the floor area, and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

Sec. 1717.22: Sleeping Room Space.

(a) In every dwelling or rooming unit of two (2) or more habitable rooms, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least seventy (70) square feet.

(b) Every room occupied for sleeping purposes by more than one occupant shall have a minimum gross floor area of fifty (50) square feet per occupant thereof.

(c) Kitchens shall not be used for sleeping purposes.

Sec. 1717.23: Rooming Unit Space.

Rooming units let to one or more persons shall contain a minimum gross floor area of ninety (90) square feet for a single occupant, and every such rooming unit occupied by more than one occupant shall contain a minimum gross floor area of seventy (70) square feet per occupant thereof.

Sec. 1717.24: Basement Dwelling Unit.

Dwelling units and rooming units located in a basement shall meet all the requirements of this Housing Code and the floors and outside walls shall be damp-proof.

Sec. 1717.25: Sleeping Space in Cellars.

No space in any cellar shall be used for sleeping purposes.

Sec. 1717.26: Natural Light in Habitable Room.

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors.

(b) The minimum aggregate area available for unobstructed light shall be not less than ten percent (10%) of the floor area of such rooms.

Sec. 1717.27: Light in Non-habitable Space.

(a) 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.

(b) 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.

Sec. 1717.28: Light in Public Halls and Stairways.

(a) 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 (2) 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.

(b) The natural or artificial lighting provided shall not be less than three (3) foot candles (three lumens) measured in the darkest portions of normally traveled stairs and passageways during the darkest hours of the day.

(c) Structures containing three (3) or more dwelling units, or where rooms are let to five (5) or more persons, shall meet the requirements of the applicable Building Code.

Sec. 1717.29: Electric Outlets.

(a) Every habitable room shall have electric outlets and/or fixtures properly connected to a source of electric power as required in section 1717.08.

(b) Every habitable room shall have a minimum of:

(1) One outlet and one fixture; or

(2) Two (2) outlets.

Sec. 1717.30: Electric Fixtures in Bathroom.

(a) Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall have permanently installed artificial lighting fixtures.

(b) The switches for the permanently installed artificial lighting fixtures shall be so located as to avoid danger of electrical hazards.

Sec. 1717.31: Ventilation in Habitable Rooms.

Every habitable room shall be ventilated by either openable areas equal to fifty percent (50%) of the required window area or by equivalent mechanical ventilation.

Sec. 1717.32: Ventilation in Bathrooms.

Every bathroom, shower room, and toilet room or compartment located in a structure used for human habitation shall be adequately ventilated.

Sec. 1717.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1721 – RESPONSIBILITIES OF PERSONS

Sec. 1721.01: 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 property thereof that he occupies or controls.

Sec. 1721.02: 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.

Sec. 1721.03: Waste Disposal.

(a) Every occupant of a dwelling or dwelling unit shall dispose of rubbish, garbage, and other matter, so as to be in compliance with sections 1713.02 and 1713.22.

(b) Every owner or operator shall maintain the containers for solid waste and recyclable material collection issued pursuant to section 973.07 for the exclusive use on such property at such property for the occupant's use in compliance with section 1721.03(a).

Sec. 1721.04: Extermination.

(a) Every occupant of a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the property.

(b) 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 or operator to carry out the provisions of this Housing Code, as cited in sections 1713.06, 1713.14, and 1713.23, extermination shall be the responsibility of the owner or operator.

(c) When two (2) or more dwelling units within a building are so infested, it shall be the responsibility of the owner or operator to carry out the provisions of this Housing Code within such building, as cited above, with respect to extermination.

(d) When the owner or operator is applying pesticides for the purpose of extermination in a dwelling unit that is occupied by others, all laws and procedures in the Ohio Revised Code Chapter 921 (Pesticides) apply and are to be followed.

Sec. 1721.05: Maintenance of Public Space.

Every owner or operator of a building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, sanitary, and safe condition the shared or public areas of the property.

Sec. 1721.06: Supplied Facilities.

Every owner or operator of a dwelling, dwelling unit, rooming house, and rooming unit shall be responsible for keeping supplied facilities in proper operating condition, except or as otherwise provided by this Housing Code.

Sec. 1721.07: Supplied Heat.

(a) Every owner or operator of a building, who permits to be occupied any dwelling unit or rooming unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain therein a minimum inside temperature of seventy degrees Fahrenheit (70°F) based on inside ambient temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments.

(b) The provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, negligent or malicious act(s) of the occupant, necessary repairs or alterations, or any cause beyond the control of the owner, operator, or occupant.

Sec. 1721.08: 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 Housing Code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

Sec. 1721.09: Occupancy of Vacant Units.

(a) No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit, unless it is in good repair, clean, sanitary, in habitable condition, and in full compliance with all the provisions of the Housing Code.

(b) Every owner of property that is residential rental property must register said property per state law.

Sec. 1721.10: Owner Access.

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling, 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 Housing Code, or with an order issued pursuant to the provisions of this Housing Code.

Sec. 1721.11: Screens.

(a) Every owner or operator of a dwelling, dwelling unit, rooming house, or rooming unit shall be responsible for providing and hanging all screens whenever required by this Housing Code.

(b) Every occupant of a single dwelling unit or rooming unit shall be responsible for the maintenance or replacement of screens once installed in any one season.

Sec. 1721.12: Responsibility of Owner.

Every owner or operator of a dwelling, dwelling unit, rooming house, and/or rooming unit shall be responsible for all environmental requirements contained in chapter 1713 and all space and occupancy requirements contained in chapter 1717, except as otherwise provided in the Housing Code.

Sec. 1721.13: Rental Unit Mandatory Inspection Required.

(a) Every owner of property that is residential rental property must register said property according to state law.

(b) Every owner or operator of property that is residential rental property shall have the interior and exterior of such property inspected by the Department of Community Development - Health Division to determine compliance with the Housing Code, the Fire Code, and the Zoning Code, under the following circumstances:

(1) If two (2) or more notices of violation have been issued to the owner or operator pursuant to section 1705.05 of the Health Code within any two (2) year period, relative to the same property, and the orders contained in such notices are not complied with within the time provided, the property shall be subject to semi-annual mandatory inspections until such property is brought into compliance with the orders, and for a period of two (2) years thereafter; or

(2) If the owner or operator has been found to have maintained a nuisance by a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 3767, as may be amended from time to time, the property that was the subject of the finding shall be subject to semi-annual mandatory inspections for a period of two (2) years.

(c) No owner or operator of residential rental property shall fail to obtain a rental unit mandatory inspection from the Department of Community Development - Health Division when the provisions of this section require a rental unit mandatory inspection.

(d) A rental unit-semi-annual mandatory inspection fee, per rental unit, which shall include the first two (2) inspections, shall be imposed as follows:

- (1) A fee of one hundred and twenty-five dollars (\$125.00) for property with one rental unit;
- (2) A fee of one hundred and seventy-five dollars (\$175.00) for property with two (2) rental units;
- (3) A fee of two hundred and twenty-five dollars (\$225.00) for property with three (3) rental units;
- (4) A fee of two hundred and fifty dollars (\$250.00) for property with four (4) rental units; and
- (5) A fee of two hundred and sixty-five dollars (\$265.00) for the first rental unit on property with five (5) or more rental units, and a fee of fifteen dollars (\$15.00) per rental unit for each additional rental unit on the property.

(e) A re-inspection fee in the amount of fifty dollars (\$50.00), per rental unit, shall be imposed for each semi-annual inspection subsequent to the first two (2) inspections.

(f) Penalty. Notwithstanding any other provision of this chapter, an owner or operator who fails to schedule an inspection within thirty (30) days as required in subsection (b) of this section shall be fined one thousand dollars (\$1,000).

(g) Fees and fines collected pursuant to this section shall be used exclusively to help defray the costs to the City for rental unit mandatory inspections.

Sec. 1721.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

EDITOR'S NOTE: There are no sections in Chapter **1731**. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Department of Health - see ADM. Ch. [127](#)

License required - see Ohio R.C. 3732.03

CHAPTER 1733 – FEES AND CHARGES

ORDINANCE NO. OR2015-11-94

AN ORDINANCE AMENDING SECTION 1733.01 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, RELATIVE TO LICENSE FEES FOR CERTAIN FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS, POOL LICENSING AND TATTOO AND BODY PIERCING SERVICES, AND REPEALING SAID EXISTING SUBPARAGRAPHS THEREOF.

WHEREAS, Ohio Administrative Code Section 3701-36-14 requires modifications to the City's fees previously established under Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio; and

WHEREAS, the cost methodology provided by the Ohio Administrative Code 3701-36-14 is calculated to determine if these fees are adequately covering the cost of the programs for the City ; and

WHEREAS, the proposed fees were reviewed and approved as required by the Advisory Board of Health for the City of Hamilton on October 26,2015 ; and

WHEREAS, existing Section 1733.01 will need to be amended to set forth the aforesaid revisions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, relative to Fees and Charges, is hereby amended to be and read as set forth in Exhibit No. 1, attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: That the provisions set forth in SECTION I (f) and (i) hereof **shall be effective January 1, 2016**. That the provisions set forth in SECTION I (a through e) hereof **shall be effective March 1, 2016**. These dates are in accordance with Ohio Law regarding fees under Health.

SECTION III: That existing Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, as it existed before the enactment of this Ordinance be and **is hereby repealed**.

SECTION IV: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: __November 18,2015_____

Effective Date: _December 18, 2015_____

Mayor

ATTEST: _Marcos Nichols_____

City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk for the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. OR2015-11-94_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _November 20, 2015_____

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

PART SEVENTEEN – HEALTH CODE

TITLE THREE – GENERAL STANDARDS

CHAPTER 1733 – FEES AND CHARGES

Sec. 1733.01 Fees and Charges.

(a) License Fees for Retail Food Establishments and Food Service Operations:

<u>Risk Level</u>	<u>License Fee</u> <u>by Risk level</u>
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1 (less than 25,000 sq. ft.) \$100.00 plus fee remitted to State

2 (less than 25,000 sq. ft.)	\$115.00 plus fee remitted to State
3 (less than 25,000 sq. ft.)	\$220.00 plus fee remitted to State
4 (less than 25,000 sq. ft.)	\$280.00 plus fee remitted to State
1 (more than 25,000 sq. ft.)	\$149.00 plus fee remitted to State
2 (more than 25,000 sq. ft.)	\$157.00 plus fee remitted to State
3 (more than 25,000 sq. ft.)	\$568.00 plus fee remitted to State
4 (more than 25,000 sq. ft.)	\$600.00 plus fee remitted to State

(b) Plan Review Fee for Retail Food Establishments and Food Service Operations:

<u>Risk Level</u>	<u>Fee</u>
Plan Review Risk Level 1 & 2	\$100.00
Plan Review Risk Level 3	\$150.00
Plan Review Risk Level 4	\$200.00

(c) Temporary Food Service Operation/
Retail Food Establishment: \$42.00

(d) Vending Machines: \$00.00

(e) Mobile Food Service Operations: \$110.00 plus fee remitted to State

(f) Swimming Pools (commercial):

First pool at any site	\$150.00 plus fee remitted to State
Each additional pool at same site	\$100.00 plus fee remitted to State

Fee

(g) Spas and Special Use Pools :

First spa/special use pool at same site	\$150.00 plus fee remitted to State
Each additional spa/special use pool at same site	\$100.00 plus fee remitted to State

(h) Vital Records/Vital Statistics and Functions:*

Birth Certificates (Certified)	\$25.00
Death Certificate (Certified)	\$25.00
Burial permit	\$2.50
Charge for file search	No charge
Preparation of affidavits	No charge
Handling of legal name change	No charge

* From and after October 1, 2005, the City Manager is hereby authorized to increase or decrease the fees charged for certified copies of Birth and Death Certificates from time to time in order to implement any future changes, relative to fees for Birth and/or Death Certificates, as required by amendments to the Ohio Revised Code.

(i) Tattoo or Body Piercing Service: \$100.00

(j) In addition to the fees and charges set forth in the foregoing paragraphs, supplemental fees therefore set by the Ohio Public Health Council pursuant to the provisions of Ohio R.C. 3732.04 and 3733.04 and the Ohio Administrative Code shall be collected from any licensee and remitted to the Treasurer of the State of Ohio.

CHAPTER 1735 - LITTERING

Sec. 1735.01: Short Title.

The provisions of this chapter shall be known and may be cited as the "Hamilton Anti-Litter Ordinance."

Sec. 1735.02: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "*Aircraft*" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term shall include helicopters and lighter-than-air dirigibles and balloons.

(b) "*Alley*" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the City.

(c) "*Authorized Private Container*" means a litter storage and collection receptacle as required and authorized in chapter 973 of the Streets, Utilities and Public Services Code.

(d) "*City*" is the City of Hamilton, Ohio.

(e) "*Commercial Handbill*" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing; or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. But, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(f) "*Commissioner of Health*" means the health authority of the City of Hamilton, and his or her authorized representative or designee.

(g) "*Enclosed Structure*" means a building with at least three (3) sides.

(h) "*Garbage*" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

A. "*Litter*" means "garbage", "refuse", and "rubbish", as defined herein, including peelings of vegetables or fruits, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger or nuisance to public health, safety and welfare.

(j) "*Newspaper*" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law. In addition "newspaper" means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(k) "*Noncommercial Handbill*" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a "commercial handbill" or "newspaper" in this section.

(l) "*Nonresidential Property*" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for non-residential purposes.

(m) "*Park*" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

(n) "*Person*" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

(o) "*Public Container*" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(p) "*Public Place*" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(q) “*Refuse*” means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or inoperative automobiles, appliances and equipment, and solid market and industrial wastes.

(r) “*Residential Property*” means any dwelling, house, building, multi-family structure, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes, but is not limited to, any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house building, or other structure.

(s) “*Rubbish*” means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(t) “*Vehicle*” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Sec. 1735.03: Power to Enforce.

The Commissioner of Health, and his or her designee, shall have the power and authority to enforce any section(s) of this chapter.

Sec. 1735.04: Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, including freshwater streams, lakes, and ponds, except in public containers, in authorized private containers for collection, or in official City refuse disposal sites.

Sec. 1735.05: Use of Containers so as to Prevent Scattering.

Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and ponds, or upon private property.

Sec. 1735.06: Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their property free of litter.

Sec. 1735.07: Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place, including freshwater streams, lakes, and ponds within the territorial limits of the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the territorial limits of the City shall keep the sidewalk and parkway in front of their business property free of litter.

Sec. 1735.08: Litter in Parks.

(a) No person shall throw or deposit litter in any park within the City except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place, including freshwater streams, lakes, and ponds.

(b) Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 1735.09: Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, freshwater streams, lakes, ponds, or any other body of water in a park or elsewhere within the City.

Sec. 1735.10: Distributing Commercial and/or Noncommercial Handbills in Public Places.

(a) No person shall hand out, distribute, sell or cause another to hand out, distribute, or sell any commercial handbill in any public place.

(b) However, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(c) No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any sidewalk, street or other public place, including freshwater streams, lakes, or ponds within the City.

Sec. 1735.11: Placing Commercial and/or Noncommercial Handbills on Vehicles.

(a) No person shall throw or deposit, or cause another to throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

(b) However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Sec. 1735.12: Depositing Commercial and/or Noncommercial Handbills on Uninhabited or Vacant Property.

No person shall throw or deposit, or cause another to throw or deposit, any commercial or noncommercial handbill in or upon any private property that is temporarily or continuously uninhabited or vacant.

Sec. 1735.13: Prohibiting Distribution of Handbills where Properly Posted.

No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill upon any property, if requested by anyone thereon not to do so, or if there is placed on the property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice indicating in any manner that the occupants of the property do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon the property.

Sec. 1735.14: Distributing Commercial and Noncommercial Handbills at Inhabited Private Property.

(a) No person shall throw, deposit, or distribute, or cause another to throw, deposit, or distribute, any commercial or noncommercial handbill in or upon private property which are inhabited, except by handing or

transmitting any such handbill directly to the owner, operator, occupant or other person then present in or upon such private property which are not posted as provided in section 1735.13.

(b) A person may, unless requested by anyone upon such property not to do so, place or deposit any such handbill in or upon such inhabited private property, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Sec. 1735.15: Posting Notices.

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or shade tree, or upon any public place, structure, or building, except as may be authorized or required by law, or upon any private property, unless it is done with the consent or by the direction of the owner or operator of such property. Any notice, poster, or other paper or device posted or affixed in violation of this section shall be deemed to be rubbish or trash, abandoned by the person posting or affixing such notice, poster, or other paper or device, and may be removed and disposed of by the City or its agents without notice.

Sec. 1735.16: Litter on Vacant Land.

(a) No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.

(b) Vacant lots shall be kept free of litter at all times by the person responsible for the vacant lot.

Sec. 1735.17: Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner, operator, or occupant may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place, including freshwater streams, lakes, and/or ponds, or upon any private property.

Sec. 1735.18: Maintaining Private Property Free of Litter.

(a) The owner, operator, or occupant of any private property shall at all times maintain the property free of litter. All litter shall be stored in authorized private containers for collection.

(b) Unused lumber and abandoned, unused or inoperative automobiles, washers, dryers, refrigerators, and other such appliances, equipment and like items shall be stored in an enclosed structure upon all private property.

(c) The storage of such items listed in this section must comply with any and all health, fire, and building codes, and such other regulations, orders, ordinances, or statutes as may apply.

Sec. 1735.19: Notice of Violation.

(a) The Commissioner of Health shall notify the owner, operator, or occupant of any property to properly dispose of litter located on such property that is dangerous or a nuisance to public health, safety, and welfare.

(b) Notice by the Commissioner of Health shall be in the form of a letter and service of such notice may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing. It shall be deemed sufficient to mail the notice to the owner's, operator's, or occupant's residence, regular place of business, or last known address.

(c) If the property in violation of this chapter is unimproved with no structure upon which to post notification of the violation or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1735.20: Effect of Noncompliance; City may Remove Violation.

(a) Upon receiving a notice of violation of this chapter, the owner, operator, or occupant of the property is required to abate the condition within forty-eight (48) hours from receipt of the notice of violation.

(b) Whenever a notice or order to remove a violation has not been complied with, the Commissioner of Health may proceed to cause the violation to be removed after the Commissioner of Health has documented sufficient proof to support such determination of non-compliance.

(1) The owner, operator, or occupant of the property shall then be notified of such finding by the Commissioner of Health in the manner described in section 1735.19.

(2) The Commissioner of Health shall not commence their abatement until forty-eight (48) hours after the subsequent notification required by section 1735.20(b)(1).

Sec. 1735.21: Expense Recoverable.

(a) All expenses incurred by the City pursuant to section 1735.20 shall be paid by the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) The owner or operator shall receive due notice of the amount of such charge and, should he or she fail to pay such amount for a period of thirty (30) days after the date of such notice, such amount shall be certified to the Auditor of Butler County, Ohio, and the same shall be collected as are other taxes and shall be a lien against such property until paid.

(c) In order to so certify the non-payment of such charges, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this section and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the Municipal General Fund.

Sec. 1735.22: Junk Motor Vehicles on Private Property with Permission of Owner; Notice of Removal and Impounding.

(a) It shall be a violation of this chapter to accumulate and store junk motor vehicles, non-operating motor vehicles or vehicle parts, on private property, which motor vehicles are in the nature of refuse and unsightly debris.

(b) Accumulation and storage of the items in this section constitutes a nuisance detrimental to the health, safety and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to minors as well as adults. Further, these conditions interfere with the comfort and well-being of the public and create, extend, and aggravate urban blight. Accordingly, the public health, safety, and general welfare require that such conditions be regulated, abated and prohibited.

(c) Definitions.

For the purposes of this section:

- (1) *"Junk Motor Vehicle"* means any motor vehicle which
 - A. Is three (3) years old or older;
 - B. Extensively damaged, with such damage including, but not limited to, any of the following: missing wheels, tires, motor, or transmission;
 - C. Apparently inoperable;
 - D. Having a fair market value, as determined by Kelley Blue Book, NADA, or other similar publication, of one thousand five hundred dollars (1,500) or less; and
 - E. That:
 - (i) Is left outside of a building, and thus is in the open on private property for more than forty-eight (48) hours; or
 - (ii) Has been left on private property for more than forty-eight (48) hours without the permission of the person having the right to the possession of the property.
- (2) *"Left outside of a building"* means that the motor vehicle has not been placed in an enclosed structure or building with at least three (3) sides. Neither a carport, nor a car cover, nor a fence, qualifies an enclosed structure or building with at least three (3) sides.
- (3) *"Non-Operating Motor Vehicle"* means:
 - A. Any motor vehicle not bearing current, valid, state license plates; or
 - B. Any motor vehicle partly disassembled, incapable of satisfying state standards of safe operation or incapable of moving under its own power, whether bearing current, valid, state license plates or not. Any motor vehicle not moved within thirty days shall be presumed to be incapable of moving under its own power.
- (4) *"Property"* means any real property within the City which is not a street or highway
- (5) *"Vehicle Part"* means any portion or part of a motor vehicle.

(d) Storage on Private Property.

- (1) No person shall park, store, leave, or permit the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not, for a period in excess of forty-eight (48) hours upon any private property within the City, unless the same is completely enclosed within a building, having three (3) or more sides, or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise, or it is a collector's vehicle pursuant to Ohio Revised Code section 4501.01(F), as may be amended from time to time.
- (2) Neither a carport, nor a car cover, nor a fence meets the requirement under subsection (d)(1) of this section 1735.22 of completely enclosed within a building having three (3) or more sides. Therefore, parking, storing, leaving, or permitting the parking or storing of any junk motor vehicle, non-operating motor vehicle, or vehicle parts, whether attended or not attended, in a carport, under a car cover, or behind a fence, for a period in excess of forty-eight (48) hours upon any private property within the City is a violation of this section and this chapter.

(e) Removal Required.

- (1) The accumulation and storage of one or more such junk motor vehicles, non-operating motor vehicles, or vehicle parts in violation of the provisions of this section shall constitute refuse and unsightly debris and shall constitute a nuisance, detrimental to the health, safety and general welfare of the inhabitants of the City.

(2) The owner, operator, or occupant of the property upon which such nuisance is located otherwise shall remove the nuisance to a place of lawful storage, or shall have the junk motor vehicle, non-operating motor vehicle, or vehicle part housed within a building where it will not be visible from the street or alley.

(3) Notwithstanding any provisions to the contrary contained in chapter 1767, regulation, enforcement, notice, and abatement shall be pursuant to this section.

(f) Notice to Remove.

(1) Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section.

(2) The Commissioner of Health shall give, or cause to be given, written notice to the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section; or the Commissioner of Health shall give, or cause to be given written notice to the owner, operator, or occupant of the property upon which such junk motor vehicle, non-operating motor vehicle, or vehicle part is located; or the Commissioner of Health shall give, or cause to be given, written notice to both the registered owner of the junk motor vehicle, non-operating motor vehicle, or vehicle part and the owner, operator, or occupant of such property.

(3) Written notice shall be by United States certified mail with return receipt, commercial carrier service, or by personal service, and shall state that such junk motor vehicle, non-operating motor vehicle, or vehicle part violates the provisions of this section and that within forty-eight (48) hours, the junk motor vehicle, non-operating motor vehicle, or vehicle part is to be removed to a place of lawful storage or to be housed in a building where it will not be visible from the street or alley.

(g) Removal by City.

(1) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the registered owner of any junk motor vehicle, non-operating motor vehicle, or vehicle part which is in violation of this section, or the owner, operator, or occupant of the private property upon which the same is located, fails, neglects, or refuses to remove or house such junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the notice given pursuant to the provisions of subsection (f) hereof, the Commissioner of Health may remove and dispose of such junk motor vehicle, non-operating motor vehicle, or vehicle part in any manner authorized by state law.

(h) Right of Entry.

(1) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove any junk motor vehicle, non-operating motor vehicle, or vehicle part in accordance with the provisions of this section.

(2) Any person to whom notice was given pursuant to subsection (f) hereof shall have the right to remove or house such motor vehicle in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives as listed above in (h)(1), for the purpose of removal.

(i) Penalty for Junk Motor Vehicle Offense.

(1) Whoever violates any prohibition contained in this section is guilty of a minor misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, non-operating motor vehicle or vehicle part, plus administrative costs in the amount of twenty-five (25%) percent of the total costs incurred, and less any money accruing to the City from such disposal.

(2) Each day such violation exists or is permitted to continue shall constitute a separate offense.

Sec. 1735.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1735.99: Penalty for Littering Offense.

(a) Notwithstanding the provisions of section 1735.22, whoever violates any other provision of this chapter shall be deemed guilty of an unclassified misdemeanor.

(b) Whoever violates any prohibition contained in section 1735.22 is guilty of an unclassified misdemeanor, and in addition to any other penalty authorized by law, shall be assessed any costs incurred by the City in disposing of such junk motor vehicle, less any money accruing to the City from such disposal.

(c) A separate offense may be deemed committed each day during or on which a violation occurs or continues.

(d) The provisions of this chapter are specifically intended to impose strict liability.

CHAPTER 1737 – ADULTERATION AND MISBRANDING OF FOOD AND DRUGS

[REPEALED PREVIOUSLY]

CHAPTER 1739 – RETAIL FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS

[REPEALED PREVIOUSLY]

CHAPTER 1743 – FROZEN DESSERTS

[REPEALED PREVIOUSLY]

CHAPTER 1745 – MEAT SALES

[REPEALED PREVIOUSLY]

CHAPTER 1747 – DISPOSAL OF THE DEAD

[REPEALED PREVIOUSLY]

CHAPTER 1751 – MASS GATHERINGS

1751.01 DEFINITIONS.

As used in this chapter:

- (a) "Department of Health" means the Hamilton Department of Health.
- (b) "Director of Health" means the person occupying the office created by Section 127.01 of the Administrative Code, or his authorized representative.
- (c) "Temporary mass gathering" means an assembly at one time of 2,500 or more people for a limited time which is not sponsored by the State or any of its political subdivision nor any agency of either, in a place which is not designed and constructed for such type assembly and is not a camp, trailer park, trailer park or travel trailer overnight port as defined in the Ohio Sanitary Code and is not a motel or hotel as defined in Ohio R. C. 3731.01. The Department of Health shall have the authority to determine that the numbers anticipated for the gathering are accurate.
- (d) "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation or any other legal entity.

1751.02 PERMIT.

- (a) No person shall operate a temporary mass gathering unless a permit has been issued for the gathering by the Department of Health.
- (b) Application for a permit to operate a temporary mass gathering shall be made to the Health Director by the person who will operate the temporary mass gathering on a form and in a manner prescribed by the Health Director. Application for a permit to operate a temporary mass gathering shall be made at least fifteen days before the first day of advertising and at least forty-five days before the first day of the gathering. The application shall be accompanied by such plans, reports and specifications as the Health Director deems necessary.
- (c) A separate permit shall be required for each temporary mass gathering.
- (d) The permit to operate a temporary mass gathering shall be revoked by the Health Department if the temporary mass gathering is promoted, operated, maintained or conducted in violation of any provision of this chapter.

The permit shall automatically expire upon written request of the permittee, upon abandonment of the promotion of the temporary mass gathering or upon conclusion of the time period for which the permit was issued.

- (e) A permit issued for the operation of a temporary mass gathering shall be posted or kept on file and made available on the request of proper officials by the operator.
- (f) The fee for the permit shall be one thousand dollars (\$1,000).

(g) In the event of cancellation of the permit prior to the time period for which the permit was issued, all expenses incurred by the Health Department shall be deducted from the permit fee. The balance, if any, shall be returned to the applicant.

(h) Permits are not transferable.

1751.03 APPROVAL OF PLANS.

The provisions of regulation 3701-21-03 of the Ohio Administrative Code relating to the submission of plans and specifications for proposed food service operations and the provision of regulations 3701-33-01 to 3701-33-05 of the Ohio Administrative Code relating to the submission of plans and specifications for the proposed water supply, sewerage and sewage disposal, plumbing, drainage and sanitary equipment shall apply to temporary mass gatherings. In addition, the plans and specifications shall clearly show and describe:

- (a) The total area to be used for the temporary mass gatherings;
- (b) Entrance, exit and interior roadways;
- (c) Method and plan for drainage of surface and storm water;
- (d) Location and design of service buildings;
- (e) Location, number, design and type of toilet facilities, handwashing facilities, plumbing fixtures, waste water receptacles, and disposal devices;
- (f) Solid waste storage, collection and disposal facilities;
- (g) Insect, rodent and noxious weed control facilities;
- (h) Medical and first-aid facilities;
- (i) Police and fire protection facilities;
- (j) Other facilities that may be needed for the protection of health and safety.

1751.04 SITE.

- (a) A temporary mass gathering shall not be located where surface water drainage is inadequate or impracticable.
- (b) A temporary mass gathering shall not be located where satisfactory disposal of sewage cannot be provided.
- (c) The grounds shall be maintained in a clean and reasonably dry condition.

(d) Adequate signs shall be used to locate and identify all facilities.

1751.05 WATER SUPPLY.

(a) The water supply shall be designed, constructed, operated and maintained in accordance with the standards of the Ohio Department of Health.

(b) Plans for proposed, new or modified water supplies shall be submitted to the Ohio Department of Health and the Health Department.

(c) The water supply shall be of potable quality.

(d) If water is hauled to the temporary mass gathering it shall be from an approved source, hauled in properly constructed and operated equipment by a licensed Butler County water hauler, and dispensed in an approved manner.

(e) There shall be no cross connections between potable and nonpotable supplies.

(f) The water distribution system shall be protected against backflow at all points.

(g) All water storage tanks shall have watertight covers and be protected at all times against entrance of insects or foreign or contaminating material.

(h) All pumps, tanks, filters, softeners, appliances and devices shall be so installed as to protect the water supply from contamination.

(i) Chemicals or materials added to the water supply or brought in contact therewith shall be harmless to humans.

(j) Common drinking cups shall not be permitted. Any drinking fountain shall be of approved sanitary design and construction.

(k) Any interruption in treatment of a drinking water supply shall be reported immediately to the Health Director. No change in the source of, nor in the method of treatment of, a drinking water supply shall be made without the approval of the Ohio Department of Health and the Health Department.

1751.06 LIQUID WASTE DISPOSAL.

(a) Sewage disposal systems shall be designed, constructed, operated and maintained in accordance with the standards prescribed by the Ohio Department of Health and the Health Department.

(b) Plans for proposed new or modified facilities for the satisfactory disposal or treatment of sewage shall be submitted to and approved by the Ohio Department of Health and the Health Department.

(c) Sewage facilities shall be constructed and be operational at least forty-eight hours before the first day of the temporary mass gathering.

(d) Suitable drains and watertight receptacles shall be provided for receiving liquid wastes other than body excrete. Liquid wastes shall not be discharged to or allowed to accumulate on the ground surface.

1751.07 TOILET FACILITIES.

Toilet facilities including privies shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

Water closets or privy seats for each sex shall be in the ratio as established by BB-65-24 of the Ohio Building Code.

Toilet facilities shall be so located as to be conveniently available.

Privy contents shall be emptied and disposed of in a sanitary manner as often as necessary.

The toilet facilities shall be maintained in a clean and sanitary condition and an adequate supply of toilet tissue and sanitary napkins shall be readily available at all times.

1751.08 HOUSING.

(a) A building or structure used for housing at a temporary mass gathering shall be structurally safe, adequate in size for its use, easy to keep clean and shall have weathertight roof and sides except that a structure such as a lean-to, occupied by people, shall be so constructed and maintained as to exclude rain from the portions of the structure used as shelter.

(b) A separate overnight camping area or areas, clearly marked, shall be provided for each temporary mass gathering. The camp shall be in compliance with Sections 3701-25-01 to 3701-25-03 of the Ohio Administrative Code.

(c) Housing facilities shall be maintained in a clean, sanitary condition at all times.

1751.09 ELECTRICITY AND LIGHTING.

(a) The site and all common use facilities shall be provided with adequate light to illuminate the entire area at all times.

(b) All wiring and lighting fixtures shall be installed and maintained in a safe condition in compliance with City Building Regulations.

(c) All lighting shall be controlled so as not to reflect on any area beyond the boundary of the site.

1751.10 HANDWASHING FACILITIES.

- (a) Suitable and adequate handwashing facilities shall be provided and shall be convenient to the toilets, privies and food handling facilities.
- (b) Handwashing facilities shall be provided in the ratio as established by BB-65-24 of the Ohio Building Code.
- (c) The facilities shall be maintained in a clean condition at all times.

1751.11 FOOD SERVICE.

Food service operations shall be in compliance with Ohio R. C. Chapter 3732 and the regulations adopted thereunder.

1751.12 SOLID WASTE DISPOSAL.

- (a) Solid waste disposal sites shall be in compliance with Ohio R. C. Chapter 3734 and the regulations adopted thereunder.
- (b) Adequate and sanitary facilities shall be provided and maintained for the storage, collection and disposal of solid waste.
- (c) Sanitary methods shall be used for the collection, temporary storage, handling and disposal of solid waste.
- (d) Solid waste containers shall be emptied as often as necessary.

1751.13 VECTOR CONTROL.

- (a) Effective measures shall be taken to control insects and rodents.
- (b) If the adult mosquito population is a problem, steps shall be taken to insure that proper mosquito control measures are instituted no earlier than seventy-two hours nor later than forty-eight hours before the advertised start of the gathering in order to reduce the populations to a satisfactory level.

1751.14 FIRE PREVENTION.

The operator shall comply with applicable local and/or State fire safety standards.

1751.15 OPERATOR'S RESPONSIBILITY.

(a) The operator shall be responsible for the maintenance of the site and facilities. He shall provide responsible supervision of the maintenance and sanitary condition of the site and facilities. The operator shall immediately take steps to cause the abatement of any nuisance or insanitary condition which may develop.

(b) When the site and facilities are vacated or abandoned, the owner or operator shall place the site and facilities in a clean and sanitary condition within forty-eight hours after the event.

(c) The person applying for a permit for a temporary mass gathering shall file a bond with surety to be approved by the Department of Health in the sum of fifty thousand dollars (\$50,000). The bond is to ensure compliance with these regulations and to pay any expenses incurred by the Health Department in restoring the area to its original condition in the event promoters fail to do so within the prescribed time limit.

1751.16 PARKING AND TRAFFIC CONTROL.

Parking facilities off of public roadways shall be provided to fully serve all reasonably anticipated requirements at a rate of no more than 100 passenger cars per usable acre or eighty buses per usable acre.

1751.17 ROADWAYS.

(a) A temporary gathering site shall be provided with a network of interior roads which are kept clear at all times for service and emergency vehicles, and the site shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.

(b) All road surfaces shall be passable and maintained in a reasonably dust free condition at all times.

1751.18 NOISE.

Amplifying equipment shall control the noise level at the perimeter of the site to no more than 70 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute.

1751.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than ninety days, or both.

CROSS REFERENCES

Disorderly conduct - see GEN. OFF. [509.03](#)

Drug abuse control - see GEN. OFF. Ch. [513](#)

Littering- see HLTH. Ch.[1735](#)

CHAPTER 1755 – SWIMMING POOLS

1755.01 DEFINITIONS.

For purposes of this chapter the following terms shall have the following meanings:

(a) Above-ground Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep, where all sides of the pool structure containing the water or a barrier attached directly to the top of the pool structure project no less than 48 inches above the adjacent ground level.

(b) In-ground Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep where the sides of the pool structure are entirely or partially below the adjacent ground level.

(Ord. 2013-2-26. Passed 2-27-13.)

1755.02 LICENSE REQUIRED.

A license is hereby required, to be obtained for every swimming pool operated and maintained in the City, other than private swimming pools maintained for the use of the family and friends of the owner.

(Ord. 2013-2-26. Passed 2-27-13.)

1755.03 CONDITIONS FOR LICENSE.

No license required by Section [1755.02](#) shall be issued unless the swimming pool is so designed, constructed, operated and maintained as at all times to be clean and sanitary, and unless it be properly equipped with all needed accessory rooms and equipment, including adequate dressing rooms, adequate toilet facilities, and adequate shower bath facilities, to the satisfaction of the Director of Health. (Ord. 2013-2-26. Passed 2-27-13.)

1755.04 APPLICATION.

These provisions shall control the design of barriers for private residential swimming pools. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools.

(Ord. 2013-2-26. Passed 2-27-13.)

1755.05 BARRIER REQUIREMENTS.

(a) All swimming pools shall be provided with a barrier which shall comply with the following items (1) through (7):

Exception: Swimming pools meeting the definition of an Above-ground Swimming Pool in Section [1755.01](#) whose structure and barrier meet the requirements of Section [1755.05](#), items (1) through (7).

(1) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

(2) Openings in the barrier shall not allow passage of a 4-inch-diameter sphere.

(3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

(5) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

(6) Maximum mesh size for chain link fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches.

(7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.

(8) Access gates shall comply with the requirements of Section [1755.05](#), items (1) through (7), and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Where the

release mechanism of the self-latching devices is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:

A. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

B. The gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

(Ord. 2013-2-26. Passed 2-27-13.)

1755.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). (Ord. 2013-2-26. Passed 2-27-13.)

CROSS REFERENCES

Swimming pools - see OAC Ch. 3701-31

Prohibited swimming places - see GEN. OFF. [521.10](#)

Fees for use of municipal pools - see S. U. & P. S. [977.02](#)

License fees - see HLTH. [1733.01](#)

CHAPTER 1757 – SKIN TANNING FACILITIES

[REPEALED PREVIOUSLY]

CHAPTER 1759 – OFFENSIVE OBJECTS AND SUBSTANCES

Sec. 1759.01: Destruction of rats.

No owner, operator, or occupant of any property shall harbor, or fail to destroy so far as possible any rats, mice or vermin thereat. The foregoing provisions of this section shall not be construed to prohibit the keeping in proper confinement of animals or insects for scientific or commercial purposes. The infestation of any property by rats, mice or vermin is hereby declared to be a nuisance detrimental to the public health, and may be abated as such.

Sec. 1759.02: Disposal of dead animals.

No person being the owner or person in charge of any animal which dies or is killed otherwise than by slaughter for meat, shall permit the carcass of such animal to lie or remain within the limits of the City for more than five hours after he or any member of his household or any employee has knowledge thereof.

Sec. 1759.03: Throwing rubbish, animal carcass into street, river, etc.

No person shall place, cast, throw or abandon any filth, dung or rubbish or any other putrid, noxious, poisonous, offensive or unsound substance or material of any kind whatever into or upon any thoroughfare, park, public place, river, pond, basin, watercourse or private property. No person shall place, cast or throw into any street or other thoroughfare, or into any basin, pond, river or watercourse, the carcass of any animal, or any putrid, noxious, poisonous or unsound substance or material whatever, or any filth, dung, rubbish or offensive liquid.

Sec. 1759.04: Brining animal carcass into City, prohibited.

No person shall bring into the City the carcass of any animal of any kind or description; but this section shall not apply to the bringing into the City of the carcass of any animal lawfully slaughtered for meat, under all conditions of inspection and otherwise conforming to any requirements of the United States Department of Agriculture, the laws of the State, or ordinances of the City.

Sec. 1759.05: Disposition of liquid waste.

No person shall throw or cast any household or industrial liquid waste, slop, swill, oil, brine or water other than clean water, upon or into any thoroughfare, gutter, park or parkway, sidewalks, property, basin, pond, river or watercourse. If any such liquid wastes are produced upon any property not so situated as to permit of water and sewer connections, it shall be the duty of the owner, operator, or occupant of the property to provide some sanitary means of disposing thereof, so as not to cause any nuisance or any condition detrimental to the public health.

Sec. 1759.06: Stagnant water.

It shall be the duty of the owner, operator, or occupant of any property on which water stands or accumulates, either on the surface or in any excavation or cellar, to cause the same to be drained if any sewer or drain is accessible for such purpose, and otherwise to be filled; but the foregoing provision shall not be construed to prohibit the construction of any pool or fountain provided with proper drainage, the water of which does not become stagnant.

Sec. 1759.07: Notice to Fill Lots, Remove Putrid Substances.

No person shall fail to comply with the requirement to:

- (a) Fill or drain any lot or land; or
- (b) Remove all putrid substances therefrom; or
- (c) Remove all obstructions from culverts, covered drains, or natural watercourses within the lawful time after service, publication of the notice, or resolution is made, as required by law

Sec. 1759.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1759.99: Penalty

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 1763 – WEEDS

Sec. 1763.01: Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) *"Building"* means any structure having a roof supported by columns or walls, used or intended to be used, for the shelter or enclosure of persons, animals, or property.

(b) *"City"* means the City of Hamilton, Ohio.

(c) *"Grass"* means any of a large family (Gramineae) of monocotyledonous, mostly herbaceous plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets of bracts.

(d) *"Lot"* means a single parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the City of Hamilton's Zoning Ordinance.

(e) *"Noxious"* means physically harmful or destructive to living human beings.

(f) *"Noxious Weeds"* means any plant designated a noxious weed by the State of Ohio or the federal government, and also turf grasses or weeds exceeding seven (7) inches in height. This term also includes grass, weeds, vegetation, and shrubs that are growing into or onto any portion of a public sidewalk or road.

(g) *"Parcel"* means a plot or tract, undivided acreage or group of lots in common ownership or control.

(h) *"Property"* means any land, lot, parcel of lands, or part thereof.

(i) *"Structure"* means anything constructed, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

(j) *"Weeds"* means any and all vegetation that is not managed or maintained by the owner, operator, or occupant of the property on which such vegetation is located, but excludes trees, shrubs and/or cultivated flowers and gardens.

(k) *"Undeveloped"* means that the entire lot and/or parcel that is free from any building or structure, as those words are defined above.

Sec. 1763.02: Owner To Control.

No owner, operator, or occupant of property situated within the City limits shall permit the same to become overgrown with noxious weeds, grass or other vegetation.

Sec. 1763.03: Removal of Noxious Weeds; Weed Control Responsibility of Adjacent Owner.

(a) Any and all noxious weeds growing or being upon any property within the City limits are hereby declared a public nuisance.

(b) Every owner, operator, or occupant of any property within the City limits shall cause the same to be kept free from such noxious weeds by cutting them or by destroying them by spraying with a chemical compound, and then removing said cut or destroyed noxious weeds from such property.

(c) An owner, operator, or occupant of property, adjacent to a partition fence, shall keep all brush, briars, thistles, or other noxious weeds cut in the fence corners and a strip four feet wide on the owner's, operator's, or occupant's side along the line of a partition fence, except this does not apply to the planting of vines or trees for use.

(d) The owner, operator, or occupant of each property adjacent to a street or alley shall be responsible for the area between the curb and sidewalk, or between the edge of the street and the property line where there is no curb or sidewalk, and the area between the center line of the alley and the property line or the center line of an unimproved street and the property line.

Sec. 1763.04: Notice to Owner to Cut; Failure of Owner to Comply; City Action.

(a) When the City ascertains that noxious weeds are growing on any property within the City limits, notice shall be given to the owner, operator, or occupant, of such property that noxious weeds are growing thereon and must be destroyed by any of the methods set forth in section 1763.03, and that such destruction must be completed within forty-eight (48) hours after receipt of such written notice. The written notice shall state the City's intent to cut the noxious weeds if the owner, operator or occupant of such property fails to comply with the notice within forty-eight (48) hours after receipt. The written notice shall also advise the property's owner, operator, or occupant that such person shall be liable for all expenses incurred by the City for cutting such noxious weeds, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred,

(b) If the owner, operator, or occupant neglects or refuses to cut brush, briars, thistles, or other noxious weeds as described in section 1763.03(c), an owner, operator, or occupant of land abutting on the partition fence, may cut any portion of said brush, briars, thistles, or other noxious weeds as is encroaching on his or her property.

(c) If the owner, operator, or occupant of property fails to comply with the notice issued pursuant to subsection (a) of this section 1763.04 within forty-eight (48) hours after receipt, the Commissioner of Health or designee is hereby authorized to proceed to cut the noxious weeds.

(d) For any notice herein required, service may be by personal service or by regular mail. Service by regular mail shall be evidenced by a certificate of mailing. It shall be deemed sufficient service to mail the notice to the last known address of such owner, operator, or occupant, of the property. If notice is sent by regular mail, it shall be deemed received three (3) business days from the date of mailing.

(e) If the property in violation of this Chapter is unimproved or has no mailbox upon which to mail notification of the violation, the Commissioner of Health may cause the notification of violation to be posted upon the land.

Sec. 1763.05: Limitation of Written Notice; Derelict Property List.

(a) An owner or operator of any property situated within the City limits is limited to two (2) written notices for any violation of this Chapter per property per calendar year. If, after two (2) notices have been served in accordance with this Chapter, the Commissioner of Health or designee determines that a subsequent violation has occurred within the same calendar year, the City may proceed with the remedy set forth in 1763.04 without further notice.

(b) Once the City has sent written notification to the owner or operator of any property for two separate violations of this Chapter, the property shall be added to the City's Derelict Property List.

(c) Once any property is put on the City's Derelict Property List, the City is authorized to cut such weeds, grass, or other vegetation on the property that exceeds seven (7) inches in height, without any prior notice

given to the owner or operator of such property. The owner or operator of such property shall be liable for all expenses incurred by the City for cutting such weeds, grass, or other vegetation.

(d) The City's Derelict Property List shall be maintained and published on the City's Health Department website or may be obtained from the Department of Community Development - Health Division at 345 High Street, Suite 330, by completing a Public Records Request Form.

(e) To be removed from the Derelict Property List, and thus to have the City cease cutting such weeds, grass, or other vegetation on the property without prior notification, the owner or operator of said property must send a letter to the Health Department, 345 High Street, Suite 330, Hamilton, Ohio 45011 via certified mail, return receipt requested. The letter must include a proper description of the property (physical address or description of the property as recorded in the Real Property Records of Butler County) and the property owner's or operator's request that the property be taken off the Derelict Property List.

(f) If a property that is on the City's Derelict Property List has a change in recorded owner, the new owner must notify the Commissioner of Health so that the property can be taken off the City's Derelict Property List.

Sec. 1763.06: Payment of Costs; Failure of Owner to Pay Costs.

(a) If the City cuts such weeds, grass, or other vegetation because the owner or operator of the property fails to comply with this Chapter, the City's expenses for cutting such weeds, grass, or other vegetation shall be charged to the owner or operator of such property, plus administrative costs in the amount of twenty-five (25%) percent of the total expenses incurred.

(b) Notice of such assessment shall be given to the owner or operator of such property either in person or left at the usual place of residence of the owner or operator, or sent by mail.

(c) Upon the owner's or operator's failure to pay such amounts for a period of thirty (30) days after the receipt of notice, such amounts shall be certified to the Auditor of Butler County and the same shall be collected as other taxes are collected and shall be a lien against such property until paid.

(d) In order to so certify, the City Manager shall make a written account to the Auditor of Butler County of actions taken under this Chapter and a proper description of the property involved. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the general fund.

Sec. 1763.07: Certain Lands Exempted.

(a) Sections 1763.01 through 1763.06, inclusive, shall not apply to undeveloped lots or parcels of land, which consist of five acres or more, regardless of zoning district classification.

(b) However, if land excluded from this Chapter by this section is located adjacent to private residences, businesses, or public rights-of-way, the exemption in this section shall not apply to a strip of land twenty (20) feet in width closest to such private residences, businesses, or public rights-of-way.

Sec. 1763.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this Chapter shall remain in full force and effect.

Sec. 1763.99: Penalty.

Any person, owner, operator, or occupant violating any provision of this Chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense that occurs within the same calendar year.

CHAPTER 1767 – NUISANCES GENERALLY

Sec. 1767.01: Nuisances.

(a) No person shall cause, maintain, or permit to exist, any thing or condition that amounts to or is declared by law or ordinance to be a nuisance.

(b) No owner, operator, or occupant of any property shall cause or permit any condition to exist thereon that amounts to a nuisance, or to fail or neglect to abate or remove the same, upon being required to do by the Commissioner of Health.

(c) No person, being the owner, operator, or occupant of any property, shall permit any stagnant water, noisome liquid, or filthy or offensive substance, which might tend to pollute the atmosphere, to injure the health of persons in the vicinity or attract or breed flies or other noxious insects or vermin, to be or remain on such property or in or about any building or structure on or in connection with the property.

1767.02: Investigation of Nuisance.

(a) It shall be the duty of the Commissioner of Health, whenever he or she receives any complaint or information as to the existence of any condition or thing which amounts to a nuisance, to investigate as may be necessary, and to take such measures as may be necessary to cause the abatement of any nuisance found to exist.

(b) The Commissioner of Health shall be authorized to make, or cause to be made, inspections to determine the existence of any condition or thing which amounts to a nuisance.

(c) The Commissioner of Health or his designated representatives, shall be authorized to enter any building, structure, dwelling, dwelling unit, rooming house, rooming unit, or other property, upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his or her duties under Part 17 – Health Code of the City of Hamilton's Codified Ordinances.

(d) Abating a nuisance shall be by or at the expense of the person in charge of or responsible for such nuisance, or otherwise if circumstances so require.

Sec. 1767.03: Notice of Public Nuisance

(a) The provisions of any other section of these Codified Ordinances notwithstanding, when the Commissioner of Health suspects the existence of a public nuisance, as defined in section 1709.35, in the City, the Commissioner shall promptly cause to be inspected the property on which the public nuisance is suspected to exist. Should the Commissioner of Health find that a public nuisance does exist, it shall be the duty of the Commissioner to cause photographs of such public nuisance to be made, and to file in his or her office the photographs and the written report of the findings of the inspector. The Commissioner of Health shall cause a written notice to be served on the owner of such property, and on the holders of legal or equitable liens of record upon the property, stating the findings with respect to the existence of a public nuisance and stating that unless the owner, or any lienholder, thereof shall cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the same will be abated by the City at the expense of the owner. Service shall be made personally, or by United States certified mail or commercial carrier service to the person's residence, regular place of business, last known address, or to the

address of the statutory agent on file with the Ohio Secretary of State. If the certified mail is returned undelivered or the commercial carrier reports failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, or last known address, and posted in a conspicuous place in or on the property. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing, provided that the regular mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. If service of the notice cannot be made on any person or entity to be provided with notice pursuant to this section because the residence or other address of said person or entity cannot be ascertained with reasonable diligence, said person or entity shall be served with notice of the existence of the public nuisance and notice that the City shall cause the abatement of the public nuisance by rehabilitation or removal if not otherwise abated, by publication. Such publication shall be in a newspaper of general circulation in Butler County, Ohio, at least once a week for six consecutive weeks. Service shall be deemed complete at the date of the last publication. If the owner, or any lienholder, fails or refuses to cause the abatement of the public nuisance by rehabilitation or by removal of the public nuisance, the City may cause either the abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance.

(b) The City may, at its option, elect to not utilize the procedure provided in this Chapter 1767 and proceed instead with the filing of an action in common pleas court.

Sec. 1767.04: Order to Vacate.

(a) In case any nuisance is not abated in compliance with the orders of the Commissioner of Health, or in case the Commissioner is of the opinion that it is impracticable to abate a nuisance, the Commissioner shall have the power to require such place to be vacated, pending the abatement of such nuisance.

(b) Such order to vacate shall be posted on the property, specifying a time not less than twenty-four (24) hours or more than twenty (20) days after posting, within which the property shall be vacated. A copy of such order shall be forwarded to the owner or operator by regular mail to said person's residence, regular place of business, or last known address, but the time specified shall remain as provided in the order as posted pursuant to this section 1767.04.

Sec. 1767.05: Enforcement of Vacation Order by Fire or Police Chief

When the order to vacate has not been complied with, and the Commissioner of Health certifies that fact to the Fire Chief or Police Chief, together with a copy of the order, it shall be the duty of the Fire Chief or Police chief to enforce such order to vacate and to cause the property to be vacated in accordance with the terms of the order.

Sec. 1767.06: Court Order to Vacate.

(a) If the occupant of any property required by the Commissioner of Health to be vacated:

(1) Does not vacate such property within the time allowed as provided in section 1767.04, or

(2) If such property having been vacated as required is again occupied before the nuisance therein has been abated and reoccupation of such property is authorized by the Commissioner, the Commissioner shall lay such facts before the judge of the Municipal Court and the court shall immediately issue an order requiring the vacation of such property.

(b) The court order requiring vacation of such property shall be enforced by the Chief of Police or by police officers acting under his authority.

Sec. 1767.07: Rehabilitation or Removal.

(a) Notice to Elect Whether to Rehabilitate or Remove.

(1) Together with the notice of public nuisance served pursuant to section 1767.03, the owner of a public nuisance shall be served by the Commissioner with a "Notice to Elect Whether to Rehabilitate or Remove" the public nuisance.

(2) Within thirty (30) days of the receipt of the Notice to Elect, the owner of the public nuisance shall submit a proposal to either rehabilitate or remove the public nuisance and a timetable for completing such proposal.

(b) Owner's Proposal to Rehabilitate.

(1) The Commissioner of Health shall examine an owner's proposal to rehabilitate to determine whether it contains a reasonable timetable in light of:

A. The present condition of the structure;

B. Whether the rehabilitation to be performed will:

(i) in the case of a non-residential structure, bring the structure into compliance with the Non-Residential Property Maintenance Code within twelve (12) months from the owners receipt of an approval of the proposal to rehabilitate; or

(ii) in the case of a residential structure, bring the structure into compliance with the Housing Code within six (6) months from the owner's receipt of an approval of the proposal to rehabilitate.

(2) If the Commissioner of Health determines that the timetable for rehabilitation is reasonable and will correct all the structure's Housing or Non-Residential Property Maintenance Code violations, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner starts the rehabilitation within thirty (30) days of the Commissioner of Health's approval, subject to the City's building permit and Zoning Code requirements, and complies with the approved proposal to rehabilitate.

(c) Rehabilitation.

(1) Before beginning rehabilitation following the approval of the proposal to rehabilitate, the owner of the structure shall secure any necessary building permits from the Construction Services Division.

(2) If the property is located within one of the City's Historic Preservation Districts, a Certificate of Appropriateness shall be required before commencing any exterior work.

(3) Final inspection and approval of the owner's rehabilitation efforts shall be required from the Construction Services Division and the Department of Community Development - Health Division before the structure may be reoccupied.

(d) Owner's Election to Remove.

(1) If the owner's election is for removal, the Commissioner of Health shall approve it and withhold further enforcement action against the structure so long as the owner commences demolition within fifteen (15) days of such approval and complies with the approved proposal to demolish as provided in subsection (d)(3) hereof.

(2) No proposal for demolition received from an owner will be approved if it does not contain the written authorization and consent of the owner authorizing the Commissioner of Health to arrange for the structure's demolition at the owner's expense if demolition is not completed as proposed by the owner.

(3) Demolition. Demolition shall be completed by the owner of a structure in compliance with the proposal approved by the Commissioner of Health.

A. Before demolishing any structure or part thereof, the owner shall obtain all required demolition permits from the Construction Services Division.

B. Orders to demolish shall be reviewed by City Council or, if the property is of Historic Significance, the Architectural Design Review Board. A property is deemed to be Historically Significant if it is included on the Ohio Historic Inventory or if it is located within an area designated as a Historic Preservation District, as defined in the Zoning Ordinance, section 1126.50.

C. No demolition permit shall be issued unless the following requirements are adhered to:

(i) For structures located within a Historic Preservation District, a Certificate of Appropriateness shall be required for the demolition.

(ii) The Architectural Design Review Board shall adhere to its normal and regular procedure in determining the appropriateness of the demolition as defined in the Zoning Ordinance, section 1126.60 and the ADRB's Guidelines and Policies.

(iii) If the Architectural Design Review Board finds that the application does not meet the criteria of said sections, a Certificate of Appropriateness shall not be issued.

D. For the proposed demolition of structures on the Ohio Historic Inventory (OHI), but not located within a Historic Preservation District, the City's normal and regular policy and procedure for insuring demolition permits for structures on the OHI shall be followed.

E. Where Federal and/or State funds are proposed to be utilized for a demolition, a demolition permit will not be issued until any required environmental assessment(s) have been reviewed and approved by the appropriate officials and the funds are cleared for expenditure.

(e) Rejection of Owner's Proposal.

(1) If the Commissioner of Health determines the timetable for demolition or rehabilitation is unreasonable in light of the structure's current condition, or if the Commissioner of Health finds the proposal to rehabilitate will not bring the structure into compliance with the Housing or Non-Residential Property Maintenance Code, the Commissioner of Health shall disapprove the owner's proposal, state the reasons therefor, and continue enforcement action.

(2) The Commissioner of Health shall have the authority to assist the owner in correcting the proposal to achieve compliance with the Housing or Non-Residential Property Maintenance Code.

(f) Extension of Time.

(1) Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner to decide whether to demolish or rehabilitate the structure, or provide an amended proposal to demolish or rehabilitate.

(2) Failure of the owner to obtain additional time to present an original or amended proposal to demolish or rehabilitate shall result in the City's abatement or the lessening of the severity of the public nuisance, at the expense of the owner, by rehabilitation or repair, or by removal of the public nuisance as provided in section 1767.09.

Sec. 1767.08: Appeal hearing of public nuisance structures

(a) The owner, lienholder, or other responsible person named on a notice of public nuisance may within thirty (30) days after receipt of notice or within thirty (30) days after any other determination has been made by the Commissioner of Health pursuant to this chapter, make a demand in writing to the Director of Community Development (Director), for a hearing on any legal or factual issue relating to the notice of public nuisance, or on any determination made by the Commissioner of Health pursuant to the authority granted by this chapter 1767. The demand shall include the correct mailing address of the owner, lienholder, or person representing the owner or lienholder, and shall be accompanied by an appeal fee in the amount of \$100.00. If the owner or other responsible person cannot afford to pay the fee, the demand for a hearing can be submitted if it is submitted along with a notarized affidavit of indigence. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) days following receipt of the written demand.

(b) The hearing shall be conducted by the Nuisance Appeals Board. After the hearing, the Nuisance Appeals Board may vote to:

(1) Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

(2) Continue the matter for a period not to exceed 45 days for further investigation and disposition; or

(3) Take such other action and render such other orders as it deems appropriate within the authority conferred by this chapter; or

(4) Reverse the finding that a public nuisance exists on the property and dismiss the case.

(c) A copy of the decision of the Nuisance Appeals Board shall be mailed, with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided pursuant to 1767.07(A). It shall be the responsibility of the owner, lienholder, or person representing the owner or lienholder, to keep the secretary of the Nuisance Appeals Board apprised of his or her current mailing address. For the purpose of appeal pursuant to Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Sec. 1767.09: Abatement of Nuisance by City.

(a) Should a public nuisance not be abated within thirty (30) days of receipt of the notice of public nuisance, or at the expiration of the time stated in the approved election to rehabilitate or remove, or any extensions granted by the Commissioner of Health or such additional time as the Nuisance Appeals Board may grant, the Commissioner shall be authorized at any time thereafter to enter on the property and the owner shall permit him/her entry to abate the public nuisance by demolition and removal, or by taking such other action as is deemed appropriate to abate the public nuisance. If the public nuisance is located within an Architectural Conservation/Historic District, abatement of the public nuisance shall be coordinated with the Planning Department and Architectural Design Review Board as required by section 1126.00, et seq., of the Zoning Ordinance of the City of Hamilton, Ohio. In abating a public nuisance, the Commissioner of Health may call on any department, division, or bureau of the city for whatever assistance may be necessary to abate such public nuisance as aforesaid, or may, by private contract, abate or lessen the severity of such public nuisance or take such other action as may be deemed appropriate. In the event that a fire occurs on the property of a nuisance structure between the time it is declared a public nuisance and the time such nuisance is fully abated, the reasonable expenses incurred by the City as a result of the services provided by the Fire Department shall be included in the cost of abating or lessening the severity of the public nuisance. The cost of abating or lessening the severity of such public nuisance shall be recovered in the manner provided in subsection (b) of this section.

(b) The cost of abating or lessening the severity of such public nuisance, or of such other action taken by the City pursuant to this chapter, shall be recovered in the following manner:

(1) The owner shall be billed directly by United States certified mail or commercial carrier service for the cost of abating or lessening the severity of such public nuisance. The bill for the cost thereof shall be paid within 60 days after receipt of the bill.

(2) If the costs are not so recovered, the City may collect the costs by any of the following methods:

A. The City may cause the costs of abating or lessening the severity of such public nuisance to be levied as an assessment and recovered in accordance with Ohio Revised Code section 715.261.

B. The City may commence a civil action to recover the costs from the owner, as provided in Ohio Revised Code section 715.261.

Sec. 1767.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

CHAPTER 1771 – ANIMALS

Sec. 1771.01: Abandoning Animals.

[Repealed Previously]

Sec. 1771.02: Killing or Injuring Animals.

[Repealed Previously]

Sec. 1771.03: Poisoning Animals.

[Repealed Previously]

Sec. 1771.04: Cruelty to Animals Generally.

[Repealed Previously]

Sec. 1771.05: Cruelty to Companion Animals.

[Repealed Previously]

Sec. 1771.06: Barking or Howling Dogs.

[Repealed Previously]

Sec. 1771.07: Enticing Away Dogs.

[Repealed Previously]

Sec. 1771.08: Hunting of Animals in City Prohibited.

(a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle, or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(c) Under this section, privilege to engage in the acts otherwise prohibited by subsection (a) hereof may be granted exclusively by the City Manager and/or his or her designee.

Sec. 1771.09: Running At Large.

[Repealed Previously]

Sec. 1771.10: Impounding.

[Repealed Previously]

Sec. 1771.11: Odors.

No owner, operator, or occupant of any property shall keep in any pen or otherwise confine any animal or any fowl so that such animal or fowl, or such pen or other confinement, shall become noisome or offensive to persons residing by or being in the vicinity thereof.

Sec. 1771.12: Feces Removal.

(a) The owner or harbinger of every dog, except guide dogs for blind individuals, shall be responsible for the immediate removal of any feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or person in charge of such dog or dogs.

(b) No person, being the owner or harbinger of any dog, except guide dogs for blind individuals, shall fail to immediately remove feces deposited by his or her dog or dogs on property, public or private, not owned or possessed by such person who is the owner or harbinger of such dog.

Sec. 1771.13: Restraint of Vicious Animals, Vicious Dogs and Dangerous Dogs.

[Repealed Previously]

Sec. 1771.14: Wild or Exotic Animals.

[Repealed Previously]

Sec. 1771.15: Rabies Vaccination.

(a) For the purpose of these regulations, pertaining to the inoculation of dogs and cats with anti-rabic vaccine, the following meanings shall be given to the following terms, words, and/or phrases:

(1) "Dog" includes dogs of either sex more than six months of age.

(2) "Cat" includes cats of either sex more than six months of age.

(3) "Inoculated" means the administration of an anti-rabic vaccine, the material, method, and administration of which has been approved by the City of Hamilton Health Department.

(4) "Veterinarian" means any person licensed to practice the profession of veterinary medicine in the State of Ohio.

(5) "Harbinger" means a person who permits any dog or cat to remain and be lodged and fed within his or her home or enclosure.

(b) It shall be the duty of every person who owns or harbors a dog or cat in the City of Hamilton to have such dog or cat inoculated with anti-rabic vaccine by a veterinarian:

- (1) Before the dog or cat reaches its sixth month of age; or
- (2) Within one month after acquiring possession of such dog or cat

and to maintain the immunity of such dog or cat by having such dog or cat re-inoculated before the validity of such vaccination expires.

(c) It shall be the duty of each veterinarian when inoculating a dog or cat with anti-rabic vaccine to insert on a certificate:

- (1) The name and address of the owner or harborer of the dog or cat;
- (2) The date of vaccination;
- (3) The year of expiration of vaccination;
- (4) The tag number given to the dog or cat after inoculation;
- (5) The breed, age, color, and sex of dog or cat; and
- (6) The veterinarian shall immediately present one copy of the certificate to the owner or harborer of the dog or cat and one copy shall be retained by the veterinarian for his file.

(d) At the time of the inoculation of any dog or cat the veterinarian shall also deliver to the owner or harborer of the dog or cat a tag that contains:

- (1) The tag number;
- (2) The year of expiration of the vaccination; and
- (3) The identity of the veterinarian

as evidence of such inoculation with anti-rabic vaccine.

(e) Every owner or harborer of a dog or cat, upon obtaining the tag from a veterinarian, shall immediately attach the tag to the collar or harness of the dog or cat to be worn by the dog or cat at all times.

(f) The certificates obtained from the veterinarian shall be retained by the owner or harborer of such dog or cat for inspection by the officials of the Health and Police Departments of the City of Hamilton at all times.

(g) The requirement imposed by subsection (b) hereof shall not apply to:

- (1) Dogs or cats kept by regularly chartered medical colleges or other education or scientific institutions to be used for scientific purposes;
- (2) To dogs or cats kept in licensed breeding kennels and confined to the premises at all times; or
- (3) To dogs brought to the City of Hamilton for exhibition purposes at any dog show, provided a permit for the holding of such show is obtained from the Department of Health of the City of Hamilton.

(h) Failure to have a valid re-inoculation for the dog or cat shall subject such person to the penalty hereinafter provided.

1771.16: Animal bites; reports and quarantine.

(a) Whenever any person is bitten by a dog, cat, or other animal, report of such bite shall be made to the Commissioner of Health within twenty-four (24) hours.

(b) Whenever it is reported that any dog or cat has bitten a person, that dog or cat shall be quarantined, under an order issued by the Commissioner of Health, for isolation and observation.

(c) The dog or cat shall be quarantined:

- (1) By its owner or harborer; or
- (2) In a pound or kennel.

(d) In all cases of quarantine as required by subsection (b) herein, such quarantine shall be under the supervision of a veterinarian and shall be at the expense of the owner or harborer.

(e) Quarantine shall continue until the Commissioner of Health determines that the dog or cat is not afflicted with rabies.

(f) In no case shall the quarantine period be for less than ten (10) days from the date on which the person was bitten.

(g) During the quarantine, a veterinarian shall observe the dog or cat twice, once at the beginning and again at the end of the quarantine, for symptoms of rabies.

(h) The veterinarian shall report to the Commissioner of Health the conclusions reached as a result of these observations.

(i) No dog or cat shall be released from the required quarantine unless and until it has been properly immunized against rabies.

(j) If the owner or harborer of the dog or cat is unknown, and the dog or cat is exhibiting signs of illness, as determined by a veterinarian, the dog or cat shall be destroyed, as directed by the Commissioner of Health, and the head of the dog or cat shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(k) Whenever it is reported to the Commissioner of Health that any other animal that is commonly known to transmit rabies has bitten a person, the animal shall be destroyed, as directed by the Commissioner of Health, and the head of the animal shall be submitted to the Ohio Department of Health laboratory for rabies examination.

(l) No person shall fail to comply with the requirements of this section or with any order of the Commissioner of Health made pursuant thereto, nor fail to immediately report to the Commissioner of Health any symptoms or behavior suggestive of rabies.

1771.17: Notice of Disease; Sale of Animal Prohibited.

(a) If any person has reason to suspect the existence of a dangerously contagious or infectious disease in any animal, he or she shall give notice of such fact immediately to the Commissioner of Health or to a licensed veterinarian.

(b) If a veterinarian receives notice of the existence or suspected existence of a dangerously contagious or infectious disease as provided in subsection (a) hereof, the veterinarian shall immediately communicate that notice to the Commissioner of Health.

(c) No person shall:

- (1) Sell;
- (2) Attempt to sell;
- (3) Keep with the intent to sell;
- (4) Bring into the City of Hamilton; or

- (5) Otherwise transfer to another person

any animal which he or she knows, or has reason to know, is infected with or exposed to any dangerously contagious or infectious disease, except as otherwise provided in Ohio Revised Code Chapter 941, or regulations promulgated thereunder.

(d) The Commissioner of Health, upon obtaining information regarding the case of any animal having any communicable disease, shall cause the destruction, removal, or isolation, as may be required of such animal. .

1771.18: Sanitary Maintenance of Horses and Farm Animals.

(a) No person shall use any structure as a stable or housing for any horse, mule, donkey, bovine, sheep, or goat, that is situated upon a lot that permits water and sewer connections, unless the portion of the lot used as a stable or housing has running water and an impervious floor constructed so as to drain into the public sewer.

(b) It shall be the duty of every person in charge of any stable, pen, coop, runway, or other place where animals or fowls are kept, to maintain the same in a clean condition, free from any accumulation of filth, garbage, rubbish, or other waste.

(c) No person shall keep any horse, mule, or donkey in any stable or other structure situated nearer than twenty-five (25) feet to any place of human habitation or to any food establishment or food service operation.

(d) No person shall keep any bovine, sheep, or goat upon any premises not directly connected with a stock yard or with a slaughtering establishment, unless such premises are at least one hundred (100) feet from any place of human habitation or from any food establishment or food service operation.

(e) No person shall keep any swine upon any premises not directly connected with a stock yard or with a slaughtering establishment.

(f) No person shall own, keep, brood, raise, or harbor any live fowl or poultry within the City of Hamilton except in a district which is zoned for agricultural use.

(g) The prohibition in subsection (f) herein is not intended to prevent the ownership and enjoyment of pet fowl which are caged such as, but not limited to, canaries, parakeets, parrots and the like, provided such pet is confined within the residence of the owner, person in control, or person responsible for it.

(h) The provisions of subsection (f) herein are not intended to prevent the brooding of chicks and other fowl or poultry by a school for educational or scientific purposes, provided the activity is conducted in a safe and sanitary manner in an enclosed structure on school property.

(i) The provisions of subsection (h) above are not intended to permit the private keeping of such live fowl or poultry after the educational or scientific program is concluded.

1771.19: Harvest of Wildlife.

(a) Whenever the Commissioner of Health determines that the presence of wildlife upon public property:

- (1) Creates a health hazard;
- (2) Poses a potential physical danger or health hazard to members of the public; or
- (3) Creates conditions which may destroy public property

such wildlife may be harvested by City of Hamilton personnel upon application to and approval by the Ohio Division of Wildlife.

(b) The Commissioner of Health shall make such application to the Ohio Division of Wildlife, and all harvesting shall be done pursuant to the requirements and mandates of the Ohio Division of Wildlife.

1771.98: Severability.

In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

1771.99: Penalty.

(a) Where no other penalty is provided, whoever violates any provision of this chapter shall be fined not more than one hundred fifty dollars (\$150.00).

(b) Whoever violates section 1771.08 is guilty of a minor misdemeanor.

(c) The penalty for each subsequent offense of section 1771.11 shall be a fine of not more than two hundred dollars (\$200.00).

(d) Whoever violates section 1771.17 hereof shall be fined not more than three hundred dollars (\$300.00) for a first offense. The penalty for each subsequent offense shall be:

(1) A fine of not more than five hundred dollars (\$500.00); or

(2) Imprisonment for not more than six (6) months; or

(3) Both a fine of not more than five hundred dollars (\$500.00) and imprisonment for not more than six (6) months.

CHAPTER 1775 – MISCELLANEOUS SANITARY REQUIREMENTS

1775.01 TOWELS IN LAVATORIES.

No person in charge of any lavatory or wash room, other than in the private residence of such person and his household, shall provide therein or thereabout any towel for the use of any person, which towel has previously been used by any person, and which has not been thoroughly cleansed since it was last so used. (1931 Code §61.3323)

1775.02 LAVATORIES NOT TO BE NEXT TO FOOD PREPARATION OR STORAGE ROOMS.

No person shall keep or maintain any water closet or urinal in any room or compartment which has any door or window leading or opening into a kitchen or other room where food is prepared or stored. (1931 Code §61.3412)

1775.03 CLEANLINESS OF TOILETS.

Every water closet and every urinal shall be provided with a sufficient supply of water for flushing to keep it in a clean condition and shall be maintained at all times in good repair and in a clean condition. (1931 Code §61.3423)

1775.04 PAN-CLOSETS, ETC., PROHIBITED.

No person shall use, maintain or permit to exist any pan-closet, plunger-closet, offset-closet, or hopper-chest. (1931 Code § 61.3463)

1775.05 REPLACEMENT OF SEWER VAULT.

It shall be the duty of the owner or person in charge of any premises in which any sewer vault or sewer pipe closet exists to have such vault or closet removed and replaced with a sanitary water closet, whenever the Director of Health so orders.

(1931 Code §61.3465)

1775.06 NONABSORBENT WALLS AND FLOORS.

No person shall install or maintain any water closet or similar fixture unless the floor and walls around and adjacent thereto are of nonabsorbent material and are maintained in good order and repair. (1931 Code §61.3472)

1775.07 CONNECTION OF PLUMBING FIXTURE.

No person shall install or maintain any sink, water closet or other plumbing fixture unless it is directly connected with a public sewer, or with a septic tank, or with a septic tank and leaching well, which in either case is constructed and maintained as required by law and ordinance. (1931 Code §61.3475)

1775.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

CROSS REFERENCES

Sanitary facilities for dwelling units - see HLTH. [1717.01](#) et seq.

CHAPTER 1776 – HOUSEHOLD SEWAGE TREATMENT SYSTEMS

ORDINANCE NO. OR2015-11-95____

AN ORDINANCE AMENDING SECTION 1776.03 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO. RELATIVE TO LICENSE FEES FOR CERTAIN HOUSEHOLD SEWAGE PROGRAM, AND PRIVATE WATER SYSTEMS AND REPEALING SAID EXISTING SUBPARAGRAPHS THEREOF.

WHEREAS, Ohio Revised Code 3709.09 authorizes the board of health of a city may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board; and

WHEREAS, the proposed fees were reviewed and approved as required by the Advisory Board of Health for the City of Hamilton on October 26, 2015; and

WHEREAS, Council desires that said changes be made in order to conform the City's Codified Ordinances with current State regulations;

WHEREAS, existing Section 1776.03 will need to be amended to set forth the aforesaid revisions;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Section 1776.03 of the Codified Ordinances of the City of Hamilton, Ohio, relative to Fees and Charges, is hereby amended to be and read as set forth in Exhibit No. 1, attached hereto, incorporated herein by reference and made a part thereof.

SECTION II: That the provisions set forth in SECTION I **shall be effective January 1, 2016.**

SECTION III: That the existing Section 1776.03 of the Codified Ordinances of the City of Hamilton, Ohio, as it existed before the enactment of this Ordinance be and **is hereby repealed.**

SECTION IV: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _November 18, 2015____

__Pat Moeller____

Mayor

Effective Date: _December 18, 2015__

ATTEST: _Marcos Nichols____

City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk for the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _OR2015-11-95__ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: __November 20, 2015____

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

PART ONE – ADMINISTRATIVE CODE

TITLE SEVENTEEN – HEALTH CODE

CHAPTER 1776

Sec. 1776.03 Household Sewage Fees, Fee Categories, Fee Transmittal And Reporting

(a) The fees shall be established using the categories prescribed in this section and the cost methodology prescribed by this chapter. The State Department of Health shall receive the portion of each permit fee for a HSTS installation or replacement as required under division (c) of this section.

(b) The Board of Health shall collect a fee outlined in HB 119 (127th General Assembly) on behalf of the State Department of Health and forward the fee to the Department.

(c) 2016 City of Hamilton Health Department Environmental Health Fee Schedule

Household Sewage Program		
3718.06 ORC		
Registration	Sewage Installers	\$133.00
	Sewage Provider	\$133.00
	Septage Hauler	\$133.00
	Late fee	25%
Lot Review	First Lot	\$66.50
	Each additional lot	\$66.50
	Plan Review	\$93.00
	Site Evaluation With Existing Home	\$93.00
	HSTS Installation Permit (includes state fee \$50)	\$316.00
	Alteration	\$316.00
	Abandonment	\$100.00
	Operation Permit fee	\$15.00
	Household Sewage Treatment System (HSTS) Inspection fee	\$50.00
Miscellaneous Charges		
	Variance Application Review	\$50.00
	Addition Review	\$33.00
	Water Sample test	\$66.50
Private Water Systems		
	Well (installation/ Alteration or emergency)	\$125.00
	Cistern/ Pond/ Spring (installation/ alteration or emergency)	\$125.00
	Cistern abandonment	\$100.00
	Well abandonment	\$100.00

CHAPTER 1779 - NON-RESIDENTIAL PROPERTY MAINTENANCE CODE

Sec. 1779.01: Purpose.

- (a) This chapter establishes minimum uniform maintenance standards applicable to non-residential property, including all buildings, structures, and grounds.
- (b) Enforcing the provisions of this chapter is designed to achieve the following goals:
 - (1) Protect the public peace, health, safety, and welfare;
 - (2) Maintain property values;
 - (3) Encourage the preservation of aesthetic values in accordance with standards of the community; and
 - (4) Establish the responsibility of owners, operators, and occupants regarding the maintenance of buildings and grounds in accordance with the provisions of this chapter.

Sec. 1779.02: General Scope.

- (a) The provisions of this chapter shall supplement all other provisions of the City of Hamilton's ordinances relating to the maintenance of non-residential property.
- (b) Incorporated herein by reference are the standards referenced in the applicable Building Code, including, but not limited to, those standards applicable to electrical, plumbing and building materials, equipment, installation, and repair.
- (c) Where terms are not defined in this chapter and are defined by the applicable Building Code, such terms shall have the meaning described to them in the applicable Building Code.
- (d) In the event that the provisions of this chapter impose a higher or more restrictive standard than appears in any other ordinances of the City of Hamilton or under the laws of the State of Ohio or Federal law, then the standards set forth herein shall prevail.
- (e) If any provision of this chapter imposes a lower or less restrictive standard than any other City of Hamilton ordinance or under the laws of the State of Ohio or Federal law, then the higher or more restrictive standard contained in such other ordinance or law shall prevail.

Sec. 1779.03: Responsibilities of Owner, Operator, and Occupant.

- (a) The owner, operator, and occupants shall have all duties and responsibilities prescribed in this chapter, individually, and jointly and severally.
- (b) The owner, operator, and occupants shall monitor the frequency and adequacy of maintenance to assure on-going compliance with the provisions of this chapter.
- (c) If the owner of any non-residential improved real estate is not a resident of Butler County, Ohio, and is not responsive to notices, such owner shall be required to designate and file with the Commissioner of Health the name, address, and telephone number of an accessible agent for the purpose of receiving all notices of inspection, orders or otherwise from the City relative to such improved real estate.
- (d) Service of notice upon such agent, as described in subsection (c) herein, shall be deemed to be notice upon the owner.

(e) Any such notice upon such agent, as described in subsection (c) herein, shall also be sent by United States certified mail or commercial carrier service to the last known address of the owner.

(f) Notice may also be posted in a conspicuous place on the property to which it relates.

(g) No person shall remove or deface such posted notice without the written permission of the Commissioner of Health.

Sec. 1779.04: Non-Residential Property to be Free of Nuisances.

All non-residential property shall be kept free of public nuisances.

Sec. 1779.05: General Maintenance Requirements.

(a) All non-residential buildings and structures, and all parts thereof, shall be structurally sound, maintained in good repair and in a sanitary condition, and shall be capable of performing the function for which such building, structure, or part thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a non-residential building or structure shall be structurally sound, maintained in a good and safe working order, and be in a sanitary condition.

(c) No non-residential structures may be structurally altered without first obtaining a building permit.

(d) Where required under the Zoning Code, any alteration, construction, reconstruction, erection, removal, or exterior work to any non-residential structure located within the Historic District, shall be approved in advance by the Architectural Design Review Board.

Sec. 1779.06: Specific Maintenance Requirements.

(a) Exterior Building Maintenance.

(1) Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All street numbers shall be in Arabic numerals at least four (4) inches high and one-half (0.5) inch stroke.

(2) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(3) 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 rats.

(4) Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration.

A. The exterior of every building and structure shall be free of obsolete hardware and fixtures.

B. Any exterior painted surfaces which are altered by repairs or structural alterations shall be repainted.

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

(6) Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, sandpiper exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. 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 a similar surface treatment.

(7) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound manner and be kept 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 a similar surface treatment.

(8) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Windows and Doors. Exterior windows and doors, whether transparent, translucent, or opaque, shall be kept in good repair, clean and free of marks, cracks, breaks, soap, wax, and other foreign substances.

A. Windows and doors shall be secured in a tight-fitting and weather proof manner, shall be easily operable, and all windows shall be capable of being held in position by window hardware.

B. No exterior windows shall be permanently removed or enclosed, covered or boarded up, unless treated as an integral component of the facade using materials and detailing compatible with the building facade and style in general.

(10) Insect Screens. During the period from May 1 to October 1, every door, window, and other outside opening utilized or required for ventilation purposes, serving any structure containing 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 sixteen (16) mesh per inch, and every swinging door shall have a self-closing device in good, working condition. Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans, are employed.

(11) Basement hatchways. Every basement hatchway shall be maintained so as to prevent the entrance of rats, rain, and surface drainage water.

(12) Guards for basement windows. Every basement window that is openable shall be supplied with rat-proof shields, storm windows, or other approved protection against the entry of rats.

(13) Posters and Graffiti. The exterior of all buildings and structures shall be free from all posters, handbills and graffiti.

(14) Scaffolds. Exterior painting scaffolds or other temporary equipment used for construction, repair, or maintenance, shall be maintained in good repair and shall be removed when the project is suspended for fourteen (14) days or more and immediately upon completion of the project.

(b) Roofs and Drainage.

(1) Roofs shall be maintained in good repair and free of trash, debris, and any other materials that are not a permanent part of the building or a functional element.

(2) Any false roof, mansard, like-roof element, or other auxiliary structure on the roof, shall be maintained in good repair and finished in a manner compatible with the exterior of the building.

(3) The roof and flashing shall be sound, tight and not have defects that admit rain.

(4) Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

(5) Roof water shall not be discharged in a manner that creates a public nuisance.

(c) Interior of Buildings.

(1) The interior of a structure and all equipment therein shall be maintained in good repair, shall be structurally sound, and shall be kept in a sanitary condition.

(2) Structural members. The supporting structural members of every structure shall be maintained in a structurally sound manner and be capable of supporting the imposed loads.

(3) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition.

(4) Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(5) Lead-based paint. Interior and exterior painted surfaces of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding lead-based paint.

A. Should any lead-based paint on the property be removed or covered, it must be done in an approved manner.

B. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(6) Asbestos. Both the interior and exterior of all business facilities, including fences and outbuildings, are required to follow all Federal, State, and Environmental laws regarding asbestos.

A. Should any asbestos on the property be removed or covered, it must be done in an approved manner.

(7) Stairs and railings. All interior stairs and railings shall be maintained in a structurally sound condition and in good repair, with proper anchorage, and capable of supporting the imposed loads.

(8) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(9) Storage and display. All window displays and screening of interiors as backdrops shall be maintained in good repair and in a clean and attractive manner.

(10) Infestation. The interior of every structure shall be free from insect, rodent, and/or vermin infestation.

Sec. 1779.07: Grounds.

(a) Accessory Structures. All accessory structures, including fences and fence-like structures, located on exterior property areas, shall be kept:

(1) In good repair and be free from holes, breaks, loose or rotting materials, and shall be weatherproofed and properly surface coated where required to prevent deterioration; and

A. As pertaining to fences and fence-like structures:

(i) No section(s) of the fence or fence-like structure shall be missing; and

(ii) No section(s) of the fence or fence-like structure shall be broken; and

(iii) If the fence or fence-like structure is painted, the paint shall be maintained free of peeling or chipping paint.

(2) Free from health, fire, and accident hazards; and

(3) Free from vermin, insect, and rodent harborage.

(b) Exterior Property Areas.

(1) All exterior property shall be maintained in a clean, safe, and sanitary condition.

(2) Exterior property areas shall be free of excessive vegetation, weeds, trash, and debris.

(3) Grading and drainage. All exterior property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water, including accumulation within structures, with the exception of water retention areas and reservoirs approved by the City Engineer.

(4) Exhaust vents. Pipes, ducts, conductors, fans, and/or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particular wastes directly upon abutting or adjacent public or private property.

(5) Structures and equipment, including curbs, guardrails, signs, light fixtures and poles, garages, fences, and walls, shall be maintained in good repair.

A. Structures and equipment which are deteriorated or obsolete shall be removed or replaced.

(6) Paved grounds and parking areas. Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation.

A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands.

B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles.

(7) Stairs. All stairs and handrails shall be structurally sound and capable of supporting normally imposed loads.

(8) Rat harborage. All structures and exterior property areas shall be kept free from rat infestation.

A. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health.

B. After extermination, proper precautions shall be taken to prevent re-infestation.

(9) Motor vehicles. No motor vehicle or trailer that does not bear current, valid, state license plates, and that is not owned or leased by the owner or operator of the subject non-residential property, nor any boat, aircraft, or camper, shall, at any time, be kept or stored on non-residential property for more than thirty (30) days, without being kept or stored in a structure with at least three (3) sides. Neither a carport nor a fence meets the above requirement that motor vehicles, boats, aircraft, campers, or trailers be kept or stored in a structure with at least three (3) sides.

A. Exception: A vehicle of any type, boat, aircraft, camper, or trailer, is permitted to undergo mechanical repair and body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

B. Exception: Motor vehicles, boats, aircraft, campers, and trailers are permitted in impound lots:

(i) Operated by the City, or

(ii) Used in connection with the operation of the Police Department, and/or

(iii) Otherwise approved by the City.

C. Notice of Violation and Order to Remove. Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Commissioner of Health shall give, or cause to be given, notice of the violation to the person responsible therefore and order that the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) be removed to a place of lawful storage or into a structure with at least three (3) sides within five (5) days of receipt of the notice of violation. The Commissioner of Health shall also give, or cause to be given, written notice of the violation and order to remove to the registered owner of the motor vehicle(s), boat(s),

aircraft, camper(s), or trailer(s). Written notice shall be by United States certified mail return receipt requested, commercial carrier service, or by personal service.

D. Removal by City.

(i) In addition to, and not in lieu of any other procedure or penalty prescribed in this section or in the Traffic Code for removal of abandoned motor vehicles from private property, if the person responsible for the violation of this section, or the registered owner of the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s), fails, neglects, or refuses to remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in accordance with the notice given by the Commissioner of Health pursuant to the provisions of this section, the Commissioner may remove the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) in any manner authorized by state law. In addition to any other penalty authorized by law, the person responsible for the violation of this section shall be assessed any costs incurred by the City in removing the motor vehicle(s), boat(s), aircraft, camper(s), or trailer(s) from the property.

(ii) Right of Entry.

(a) The Commissioner of Health, any contracting agent of the City and employee of such contracting agent, and/or authorized officer, employee or agent of the City, are hereby expressly authorized to enter upon the subject property for the purpose of enforcing the provisions of this section. No person shall interfere, hinder or refuse to allow them to enter upon private property for such purpose.

(b) Any person to whom notice of violation was given pursuant to subsection (C) hereof shall have the right to remove or house such motor vehicle, boat, aircraft, camper, or trailer in accordance with such notice at his expense at any time prior to the arrival of the Commissioner of Health or his or her authorized representatives for the purpose of removal.

(10) Graffiti. All surfaces, including but not limited to, walls, fences, parking lots, sidewalks, curbs, furniture and equipment, signs, and dumpsters shall be maintained free of graffiti.

(c) Landscaping.

(1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, rocks, or other appropriate, approved material as determined by municipal ordinance.

(2) Trees, shrubs, ground cover, grasses, and other landscape materials shall be maintained.

(3) Landscape materials which die or are damaged shall be replaced with similar vegetation, and shall comply with the approved site plan, if any.

(4) No landscaping shall impede vehicular or pedestrian traffic.

(d) Sidewalks and Tree Lawns.

(1) Sidewalk and tree lawns shall be maintained in good repair and free from hazardous conditions.

A. Sidewalks shall be kept clean.

B. Sidewalks and tree lawns shall be free of excessive vegetation, trash, and debris.

(2) Free standing objects, including but not limited to, trash receptacles, vending machines, and benches, shall be maintained in good repair and free of trash, debris, and excessive vegetation.

(e) Rubbish and Garbage.

(1) All exterior property, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, such that causes a health hazard or public nuisance.

(2) The outside storage of any equipment, materials, and/or merchandise shall be in accordance with the requirements of the Zoning Code and all other applicable City ordinances, including the Fire and Health Codes.

- components.
- (3) Dumpsters shall be maintained in good repair and free from rust and damaged components.
- vegetation.
- A. Areas surrounding dumpsters shall be free from trash, debris, and excessive vegetation.
- B. Dumpsters shall be of adequate size to hold all garbage and rubbish with a closed cover.
- C. Covers shall remain closed at all times except when filling and emptying.
- D. Dumpsters shall be located in an appropriate place so as not to impede pedestrian or vehicular traffic.
- E. Dumpsters shall be located on a solid, non-earth surface that is capable of being cleaned.
- (4) Rubbish or garbage kept or disposed of in violation of the City Health Code shall be deemed to be a public nuisance.

Sec. 1779.08: Light and Ventilation.

(a) Light.

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

(b) Ventilation.

(1) Where injurious, toxic, irritating, or noxious fumes, gases, dusts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source.

A. Air shall be exhausted to the exterior and not be recirculated to any space.

(2) Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

Sec. 1779.09: Plumbing Facilities and Future Requirements.

(a) The requirements listed herein for plumbing facilities represent minimum requirements; where applicable, the requirements of the applicable Building Code shall govern.

(1) A minimum of one (1) water closet, one (1) lavatory, and one (1) drinking facility shall be available to employees.

(2) Toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed five hundred (500) feet.

(3) Toilet rooms and bathrooms shall provide privacy.

(4) Drinking facilities shall be at least one of the following:

A. Drinking fountain, or

B. Water cooler, or

C. Bottled water cooler, or

D. Disposable cups next to a sink or water dispenser.

(5) Drinking facilities shall not be located in toilet rooms or bathrooms.

(b) Plumbing Fixtures.

(1) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects.

(2) All plumbing fixtures shall be capable of performing the function for which such plumbing fixtures are designed.

(3) All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.

(4) Plumbing fixtures shall have adequate clearances for usage and cleaning.

(c) Water System.

(1) Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to a public water system.

(2) All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water.

(3) 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.

(4) 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.

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

(6) Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than one hundred and ten (110) degrees F. (forty-three (43) degrees C.).

(7) A gas-burning water heater shall not be located in any bathroom, toilet room, or other occupied room normally kept closed, unless adequate combustion air is provided.

(8) An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(7) Water heating facilities used in conjunction with the preparation of food shall also comply with the applicable provisions of the City Health Code and State Law, including Ohio Revised Code Chapter 3732.

(d) Sanitary Drainage System.

(1) All plumbing fixtures shall be properly connected to a public sewer system or to an approved, private septic system as determined by the Commissioner of Health.

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

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

Sec. 1779.10: Mechanical and Electrical Requirements.

(a) Heating Facilities.

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

(2) Every enclosed occupied work space shall be supplied with sufficient heat to maintain an inside ambient temperature of not less than sixty-five (65) degrees F. (eighteen [18] degrees Celsius) during all working hours.

A. Exception: Processing, storage, and operating areas that require cooling or special temperature conditions.

B. Exception: Areas in which persons are primarily engaged in vigorous physical activities.

(3) The required room temperatures shall be measured at a point three (3) feet (nine hundred and fourteen (914) mm) above the floor and three (3) feet (nine hundred and fourteen (914) mm) from the exterior walls.

(b) Mechanical Equipment.

(1) All mechanical equipment, fireplaces, and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing their intended function.

(2) All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from leaks and obstructions.

(3) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent, except where such fuel burning equipment and appliances are labeled for unvented operation and tested by a testing laboratory approved by the applicable Building Code.

(4) All required clearances to combustible materials shall be maintained.

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

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

(7) Devices purporting to reduce fuel consumption by attachment to:

A. A fuel-burning appliance, or

B. To the fuel supply line thereto, or

C. To the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(c) Electrical Facilities and Equipment.

(1) Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(2) The size and usage of appliances and equipment shall serve as a basis for determining the need for additional or upgraded electrical services and/or equipment, in accordance with the applicable Building Code.

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

(4) Every public hall, interior stairway, water closet compartment, bathroom, laundry room, and furnace room shall contain at least one (1) electric lighting fixture.

(d) Elevators, Escalators, and Dumbwaiters.

(1) Elevators, escalators, and dumbwaiters shall be maintained to:

- A. Sustain safely all imposed loads, and
- B. Operate properly, and
- C. Be free from physical and fire hazards.

(2) In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

A. Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 1779.11: Signs.

(a) All signs are required to be in compliance with the City of Hamilton Zoning Code and the applicable Building Code.

(b) Signs shall be maintained in good repair.

Sec. 1779.12: Inspection.

(a) The Commissioner of Health shall annually make, or cause to be made, inspections of the exterior of all non-residential properties, and shall conduct such additional inspections as may be deemed necessary. Such additional inspections may include, but not be limited to, the exterior or interior of non-residential structures upon complaint.

(b) The Commissioner of Health, or his or her designated representatives, shall be authorized to enter any non-residential properties upon the consent of the owner, operator, or occupant, or pursuant to a warrant, or at such other time as may be necessary in the case of an emergency, for the purpose of performing his duties under the Non-Residential Property Maintenance Code.

(c) The provisions of this chapter shall apply to all such inspections of non-residential property.

Sec. 1779.13: Access to Property in Emergency.

The owner, operator, or occupant of every non-residential property shall give personnel authorized in section 1779.12 access to such non-residential property for the purpose of such inspections at any time as may be necessary in an emergency.

Sec. 1779.14: Identification of Authorized Personnel.

Authorized personnel of the Department of Community Development - Health Division shall be supplied with official identification and shall exhibit such identification when entering any non-residential property.

Sec. 1779.15: Notice of Violation.

(a) Whenever the Commissioner of Health, or his or her designee, determines that there has been a violation of any of the provisions of this chapter, he shall give notice of the violation to the owner, operator, or occupant of the non-residential property and order compliance, as herein provided.

(b) The notice and order shall:

(1) Be in writing on an appropriate form, as the Department of Community Development - Health Division shall determine;

(2) Include a list of violations, refer to the sections and subsections violated, and order remedial action which will effect compliance with the provisions of this chapter;

(3) Specify the time within which to comply; and

(4) Be served on the owner, operator, or occupant, personally or by United States certified mail or commercial carrier service to the person's residence, regular place of business, or last known address. If the certified mail is returned undelivered or the commercial carrier service reports a failure of delivery, a copy shall be served by regular mail to the person's residence, regular place of business, last known address, and posted in a conspicuous place in or on the property affected. If notice is sent by regular mail, it shall be evidenced by a certificate of mailing and shall be deemed received three (3) business days from the date of mailing.

(c) The Commissioner of Health may re-inspect a non-residential property from time to time, so as to determine the status of any violation.

(1) Upon the written request of the noticed person stating that a violation has been corrected, the Commissioner of Health or his or her designee shall re-inspect the property and shall notify the owner, operator or occupant of the result of the re-inspection.

Sec. 1779.16: Final Order.

Any order contained in a notice of violation provided for in section 1779.15 shall automatically become a final order if written petition for a hearing as provided for in section 1705.26 is not filed in the office of the Department of Community Development - Health Division within five (5) days after receipt of the notice.

Sec. 1779.17: Hearing.

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provisions of the Non-Residential Property Maintenance Code may request and shall be granted a hearing as provided for in Chapter 1705.26.

Sec. 1779.18: Severability and conflict.

(a) The regulations, rights, and remedies set forth herein are not exclusive and do not restrict the right of the City to pursue other remedies which are set forth in the Codified Ordinances of the City or which are within the authority of the City under Ohio law.

(b) In the event that any provision set forth herein is determined to be unconstitutional or otherwise unenforceable, the remainder of this chapter shall remain in full force and effect.

Sec. 1779.99: Penalty.

(a) Any owner, operator, or occupant who violates any provision of this chapter is guilty of a misdemeanor of the first degree.

(b) Each day a violation continues constitutes a separate offense.

(c) Any owner, operator, or occupant who violates the provisions of this chapter shall be subject to a civil action in any court of competent jurisdiction to be brought by the City for any appropriate relief, including but not limited to injunction, declaratory judgment, and damages.

(d) Damages may include all actual costs incurred by the City in the enforcement of this chapter, including but not limited to, reasonable attorney fees, administrative costs, court costs, and costs incurred in abating a public nuisance.