

ORDINANCE NO. 002-2023

AN ORDINANCE ENACTING NON-OWNER-OCCUPIED RESIDENTIAL PROPERTY REQUIREMENTS
FOR THE CITY OF MAUMEE

WHEREAS, the City of Maumee has numerous non-owner-occupied rental properties in the City that need to be registered and maintained;

WHEREAS, City Council finds that the maintenance, repair, replacement, improvement, and regulation of these properties and other properties is necessary for the health and well-being of occupants of these properties, for adjoining property owners and for all residents of the City of Maumee;

WHEREAS, City Council finds that allowing rental units to deteriorate can cause a negative impact on surrounding properties and the City as a whole such as life-safety concerns, quality of neighborhoods, security concerns and fire safety concerns;

WHEREAS, City Council further finds that registration and inspection of properties, and adoption of other code provisions set forth in Exhibit A attached hereto, relating to rental and other properties are necessary to meet these concerns and help preserve the public health, safety and welfare:

WHEREAS, it is the intent that the costs of the registrations and inspections to be borne in part by the registrants and properties subject to inspections.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Maumee to adopt and enact Chapter 1360-1368 of the Maumee Code to regulate non-owner-occupied properties in the City of Maumee, Ohio as follows:

SECTION ONE:

CHAPTER 1360-1368 as set forth in Exhibit A, attached hereto and incorporated herein by reference, are hereby adopted as part of the Maumee Codified Ordinances.

The City Administrator is hereby authorized and empowered to establish, and promulgate such administrative rules, regulations and fees as deemed reasonable and necessary governing registrations and inspections of properties that are subject to the provisions of this Ordinance, that are not inconsistent with the provisions of this Ordinance.

SECTION 2.

STATUTORY CONSTRUCTION & SEVERABILITY.

- (a) This Ordinance shall be construed so as not to conflict with applicable Maumee Code not modified herein, Federal or State of Ohio laws, rules, or regulations. Nothing in this Ordinance authorizes any City department to impose any duties or obligations in conflict with regulations established by Maumee Code not modified herein, Federal or State of Ohio law at the time such action is taken.
- (b) In the event that a court or agency of competent jurisdiction holds that a Federal or State of Ohio law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Ordinance that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect.
- (c) Any provisions in any other Maumee Ordinances, Codified Ordinances or Rules inconsistent with the provisions this Ordinance are hereby modified as set forth herein.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

First reading: January 3, 2023
Second reading: February 20, 2023
Third reading: March 20, 2023
Passed:




Mayor

ATTEST:



Municipal Clerk.

APPROVED AS TO FORM:



Law Director

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/Resolution No. 002-2023 was duty posted on 3-21-2023 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.

Louise Amey
Clerk of Council

Date: 4-5-2023

ORD 002-2023

EXHIBIT A

CODIFIED ORDINANCES OF MAUMEE

PART THIRTEEN

TITLE SEVEN

Rental Registry and Inspection Program

Minimum Housing Standards

CHAPTER 1360 Generally

CHAPTER 1361 Minimum Housing Standards

CHAPTER 1362 Fire Safety

CHAPTER 1363 Exterior Standards

CHAPTER 1364 Interior Standards

CHAPTER 1365 Minimum Standards for Light and Ventilation

CHAPTER 1366 Minimum Space Requirements

CHAPTER 1367 Fair Housing,

CHAPTER 1368 Non-Residential Buildings

CHAPTER 1360. Title.

Chapters 1360 through 1368 shall be known as the "Rental Registry and Inspection Program"

Section 1360.01 Definitions.

All words and terms used in Chapters 1360 through 1368 shall be given their common and normal meaning unless defined hereinafter. The words and terms defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Chapter. All other words and provisions of this Chapter shall be interpreted so as to eliminate or prevent the conditions set out in findings and determinations of necessity.

Unless the context clearly indicates otherwise, when words are used in these Chapters, the following rules of construction shall apply:

The singular includes and shall apply to the plural, and the plural applies to and includes the singular.

The masculine gender shall include the feminine and neuter, and feminine and neuter shall include the masculine.

Where the text uses the negative of a defined word, the negative of the definition shall be applied.

The definition of a verb or a noun shall be used in an appropriate fashion where the adverbial or adjectival form of the word is used.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned dwelling means a dwelling which is unoccupied in any manner for a period of more than six (6) months. A dwelling will be presumed abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 90 days, and the property has been vacant for at least 90 days. A dwelling may not be considered abandoned if all appropriate permits are issued, in force, and construction is ongoing.

Accessory structure means a detached structure customarily incidental to the principal structure and located on the same lot with such principal structure including, but not limited to, detached garages, carports, sheds, fences, playhouses, and swimming pools. Accessory structure does not include tents, fabric covered assemblies, and shelters or storage containers.

Administrative Hearing Officer means a person appointed to issue administrative warrants and hear appeals under Section 1361.19 of this Code.

Approved, as applied to a material, device, or method of construction, means approved by the Chief Building Official under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Basement means that portion of a building partly underground but having less than half its clear height below the average grade of the adjoining ground (See Cellar).

Board of Building Standards and Appeals means the Board appointed by the Mayor and City Council to provide for reasonable interpretations of the provisions of the building code and the housing code.

Building code means the building codes officially adopted by the City Council; or such other codes as may be officially adopted by the City Council for the purpose of regulating the administration, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures. Building codes

officially adopted by the City Council include, but are not limited to:

Ohio Building Code

Ohio Residential Code

Maumee Housing code and Ordinances

The Ohio Fire Code as adopted by Maumee Council

Cellar means that portion of a building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

Chief Building Official means the official designated by the City to enforce building, zoning, or similar laws and this article, or his or her duly authorized representatives, employees, or subcontractors.

Dwelling means any building which is wholly or partly used, designed, or constructed for the purpose of, or intended to be used for human habitation.

One family dwelling means a building containing one (1) dwelling unit.

Two-family dwelling means a building containing two (2) dwelling units.

Multiple-family dwelling means a building containing more than two (2) dwelling units.

Boardinghouse, lodging house, or tourist house means a building arranged or used for lodging with or without meals, for compensation.

Dormitory means a building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

Dwelling unit means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Egress means a place or means of going out.

Enforcement Officer means the official designated herein or otherwise charged with the responsibilities of administering this article, or his or her authorized representatives.

Exit door means that portion of a means of egress between the termination of the means of egress at the exterior of the dwelling or dwelling unit and the outside of the dwelling or dwelling unit.

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

Extermination means the control and elimination of insects, rodents, vermin, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

Fire Official means the Chief of the Fire Department or his or her duly authorized representatives.

Floor area means the area of the floor contained within the partitions or walls enclosing any room over which floor the ceiling height is not less than the minimum height required by this article and excluding the floor area of any closets.

Flush water closet means a toilet bowl flushed with water under pressure or under static head with a water-sealed trap above the floor level.

Garbage means spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered. This definition is not meant to preclude the composting of yard waste in an appropriate container as approved by the Chief Building Official and Zoning Official.

Gross floor area means the total floor area in a building or structure.

Habitable room means a room or enclosed floor space arranged for living, sleeping, eating, or cooking purposes (not including bathrooms, water closet compartments, laundry rooms, pantries, foyers, hallways, storage rooms and other accessory floor spaces).

Hazard means that condition which presents a danger to the health and safety of persons and surrounding property.

Heated water means water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit at the outlet.

Hotel means a building arranged or used for sheltering, sleeping, or feeding, for compensation and open for short term, extended stay, or transient guests.

Human habitation means the use of any room, rooming unit, dwelling unit, building or premises for the purpose of living, sleeping, cooking, or eating purposes by one (1) or more persons.

Infestation means the presence of insects, rodents, vermin, or other pests.

Ingress means a place or means of going in.

Integral means incorporated in the design of the structure and performing a specific function or serving a specific purpose.

Kitchen means a room or portion of a room containing a minimum of seventy (70) square feet of floor area used for the preparation or consumption of food and containing the facilities and equipped as provided in this article.

Kitchenette means a room or a portion of a room containing less than seventy (70) square feet of floor area used for the preparation of food and containing the facilities and equipped as provided in this article.

Motel means the same as a hotel.

Multiple-family dwelling (See Dwelling).

Non-owner-occupied building means any dwelling unit or building where the property owner does not reside in the property.

Non-owner-occupied residential dwelling or unit means any residential dwelling or unit constructed, intended, or currently used as habitable space in which the owner of the dwelling or unit does not reside, or where individuals other than or in addition to the owner reside, whether pursuant to an oral or written lease or for other valuable consideration including, but not limited to, cash, barter of goods and services, and imputed rent. This does not include relatives that reside with the owner in the same unit. This term also does not refer to an individual residing in a dwelling or unit who is in a domestic partnership with the owner. This term does not apply to any residential dwelling or unit which is the primary domicile of the owner and is temporarily unoccupied for a period of not more than one hundred twenty (120) days. Examples of a non-owner-occupied residential dwelling or unit include, but are not limited to, the following:

(1)A traditional lease with a written lease contract.(2)A lease or rental arrangement with no written contract.(3)A unit in which a non-owner is allowed to reside in exchange for

providing services to the owner, whether the owner resides in the unit or resides elsewhere.(4)A unit in which a relative is permitted to reside, where the owner of the unit resides elsewhere.(5)A unit in which the owner resides and in which a non-owner is permitted to also reside in exchange for any form of valuable consideration. This does not include couples who reside together in a domestic partnership.(6)A unit in which a non-owner is allowed to reside, unless otherwise exempted in this article, even if no consideration is paid but the occupancy could be considered imputed rent by the Internal Revenue Service.

Occupant means any person, over one (1) year of age (including owner or operator) living and sleeping in a dwelling or dwelling unit or having actual possession of such dwelling or dwelling unit.

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

Operator means any person who has charge, care, control or management of a building or part thereof in which dwelling units are let or are available for occupation.

Owner means any person who, alone or with any other persons, shall:

Have a freehold or lesser estate in, or a land contract vendee's interest in, any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

Have charge, care, or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.

Person means an individual, firm, corporation, trustee, limited liability company, association, partnership or any other entity.

Plumbing means, but is not limited to, water heating facilities, water pipes, garbage disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, footer tile, sump crocks, grinder pumps, vents, or other similarly supplied fixtures, together with all connections to potable water, sanitary, or storm sewer, or vent lines.

Premises means a lot, plot or parcel of land including the building or structures thereon.

Public hall means a hall, corridor, or passageway not within the exclusive control of one (1) occupant.

Refuse means, but is not limited to, garbage, rubbish, trash, debris, and junk; household appliances or furniture intended for interior use; inoperable, disassembled, or broken toys; mechanical or electrical devices or any kind; ferrous and non-ferrous metals; industrial sludge; solid commercial or industrial waste; or animal waste, but does not include human body waste, liquid, or other waste regulated by statute.

Rental Registry means a register or depository for recording a list of owners, agents and/or operators for non-owner occupied or rental properties including their addresses and pertinent

information regarding rentals and/or properties which are not occupied by the owner of said properties within the City of Maumee.

Rental Inspection means the act of inspecting or reviewing, carefully or critically for violations, especially health and safety violations of City of Maumee Codes, and all State and international building, plumbing, mechanical, electrical, and energy code those properties that are not occupied by the owner of said property.

Responsible Local Agent means a representative of a person, corporation, partnership, firm, joint venture, trust, association, organization, or other entity having a legal or equitable interest in property who has authority to do the following:

Receive all official notices concerning housing, zoning, dangerous buildings, and other ordinance violations on behalf of the owner of a non-owner-occupied residential dwelling or unit, and any notice received by the responsible local agent shall be deemed to have been received by the property owner; and

Be responsible for providing access to the non-owner-occupied residential dwelling or unit for any inspection necessary to ensure compliance with the terms of the City of Maumee Code of Ordinances.

Reside means to be physically present in a residential dwelling or unit and regard that dwelling or unit as one's home, to which one intends to return and remain permanently or continuously. For purposes of this article, a person may only reside in one (1) dwelling or unit at a time.

Residence building or residential dwelling means a building in which sleeping accommodations, with or without cooking facilities as a unit, are provided, except when classified as an institution under the building code.

Rooming house, boarding house, lodging house, or tourist house means any dwelling or that part of any dwelling containing one (1) or more rooming units offered or potential offer for letting for remuneration according to IRS definition.

Rooming units 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 purposes.

Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include, but is not limited to, 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 material.

Single-family, owner-occupied dwelling means any dwelling occupied by a single family of which one (1) or more members of the family are owners of the freehold of the premises or a lesser estate, or a land contract vendee's interest therein other than a tenancy for a period of time or at will.

Storage area means a room or space in an unoccupied basement, cellar, attic, garage, or any accessory structure designated for the holding or keeping of materials which are intended for future use and drawn upon when needed.

Supplied means installed, furnished, or provided by the owner or his or her authorized representative.

Temporary Structure means, but is not limited to, tents, fabric covered assemblies and shelters, or storage containers that are not fastened to a permanent foundation.

Unfit for human habitation means that dwelling or dwelling unit which is a hazard to the health and welfare of the occupants because it lacks maintenance or is in disrepair, lacks essential services (gas, water, electric and sewer), is unsanitary, or insect-, vermin-, or rodent-infested.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Natural - Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

Mechanical - Ventilation by power-driven devices.

Window means and includes a window, skylight, glazed door, glass block panel, or other light-transmitting medium.

Workmanlike means executed in a skillful manner such as generally plumb, level, square, in line, undamaged, without marring adjacent work, utilizing as close to identical material as possible, and finished to a completed state. Alternative methods and materials must be approved by the Chief Building Official or his or her designee.

Workshop area means a room or space in an unoccupied basement, cellar, or garage utilized for repairing articles.

Section 1360.02 Property registration and inspections required.

No person or owner as defined herein, shall rent, lease, sublease, offer for rent or lease, or allow another person to occupy any non-owner-occupied residential dwelling or unit without a property registration issued by the City. In the absence of a current property registration, the Chief Building Official may order the owner to take immediate legal action as may be required to vacate the premises, including eviction proceedings.

- a. Upon the adoption of this ordinance, any person or owner of a rental and/or non-owner-occupied residential dwelling or unit must register the rental and/or non-residential dwelling or unit within one hundred eighty (180) days after June 1, 2023. After the expiration of the initial one hundred eighty (180) day period, an owner of a dwelling or unit that was once owner occupied and then converted to a non-owner-occupied residential dwelling or unit after the original registration period, must register the non-owner-occupied residential dwelling or unit within forty-five (45) days of the

non-owner-occupied residential dwelling or unit becoming non-owner occupied, whether or not the dwelling or unit is occupied.

- b. Inspections contemplated in this ordinance shall commence June 1, 2024. All rental and/or non-owner-occupied dwellings and/or units shall be inspected at least every 3 years. As an incentive, fees necessary for operating this program shall either be calculated and charged on a fully allocated hourly rate and/or a fixed, graduated rate which shall cover the cost of said program.
- c. Non-emergency inspections shall be scheduled by the City. Notices for requests for non-emergency inspections shall be mailed or emailed to the property owner and/or occupants two weeks in advance of inspections. Inspection staff may also contact the property owner and/or tenant by phone to schedule said inspection. The code inspection official, their employee, or subcontractor shall present credentials to the owner and/or occupant and request entry. If the structure or premises is unoccupied, the code official shall first make reasonable effort to locate the tenant, owner, or owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry. In a non-emergency situation where the owner or occupant of any dwelling refuses entry to a unit or dwelling, the Director of Public Safety, Chief Building Official, Chief of Police, or Fire Official shall obtain a warrant from the appointed administrative hearing officer or a court of competent jurisdiction according to applicable law. In a non-emergency situation, the property owner and/or occupant shall be afforded the opportunity for pre-compliance review as to the need for an inspection before a neutral decision maker according to law.

Section 1360.03 Exceptions.

A property registration is not required under the following circumstances:

A single-family residential dwelling that is entirely owner-occupied; or upon the sale of any single-family residential dwelling that is intended for occupancy by the buyer where possession is delayed for up to ninety (90) days; or

The premises are a jail, school, or government-owned care facility; provided however that this does not create an exception for state or federally subsidized housing facilities, substance abuse counseling or rehabilitation properties, group housing, or rehabilitation centers where overnight stays are allowed; or

The premises are entirely occupied by a person with a documented and recorded life estate in the premises and/or a dwelling unit occupied by an adult child or parent of the principle owner of property or dwelling unit

Section 1360.04 Registration application and fees.

An owner of a non-owner-occupied residential dwelling or rental unit or units shall apply for a property registration on forms provided by the City of Maumee. The owner must pay the required

application fees and all outstanding inspection fees and applicable late charges. No application for property registration is valid unless filled out accurately and completely, signed by the owner and the Responsible Local Agent, if applicable, and the proper fees have been paid. On the rental application, an owner shall disclose all rental properties owned within the City of Maumee, whether as an individual or as part of or associated with another legal entity. It is a violation of this section of the code for an owner to provide inaccurate information on an application for property registration. A property registration fee once tendered may not be refunded or transferred.

Section 1360.05 Issuance of property registration

An original property registration shall be issued if the applicant properly applies and pays the fee for registration. Subsequent property registrations which follow the original registration shall be issued if the applicant meets all of the following requirements:

1. An application form is properly submitted, and all inspections required herein have been made and the property complies with the provisions of this chapter and the City of Maumee Code and Ordinances.
2. An Acknowledgment of Local Responsible Agent form is submitted and signed by the Local Responsible Agent, if required.
3. All application fees are paid.
4. All outstanding inspection fees and late fees are paid.
5. Payment in full of all of the following fines, fees, taxes, and debts relating to the property being registered owed to the City that are currently due or past due, including but not limited to:
 - (a) Outstanding water or sewer bills; and
 - (b) All charges for mowing, cleanup, weed or debris removal; and
 - (c) Any fees, penalties, or debts of any sort arising from provisions of the housing code, including any blight violations. Section 1307.06 Amendment of property registration information.
 - (d) All income taxes due and owing have been paid by the property owner.

If any information submitted upon the application for issuance of a property registration changes, the owner must notify the Service Department at the City of Maumee within ten (10) days and submit an amended application. Failure to update information within ten (10) days is a violation of this article and subject to late fees.

Section 1360.06 Property registration valid for four (4) years.

A property registration is valid for a period of four (4) years commencing June 1, 2023 and shall be re-registered every four years thereafter. A renewal property registration must be applied for at least sixty (60) days prior to the expiration date. Failure to timely renew a property registration is a violation of this article and shall subject the applicant to late fees.

Section 1360.07 Responsible Local Agent.

For a non-owner-occupied residential dwelling or unit owned by a person or entity that resides more than thirty-five (35) miles outside of City of Maumee, the property owner must designate a Responsible Local Agent who resides within thirty-five (35) miles of City of Maumee. If the Responsible Local Agent is a corporation, limited liability company, partnership or other for-profit or non-profit entity, the address of the registered office or headquarters of the entity must be within seventy-five (75) miles of City of Maumee.

Section 1360.08 Notice to owner or Responsible Local Agent.

All notices required herein concerning a non-owner-occupied residential dwelling may be served by either first class mail, certified mail, email, or personal service upon the owner or upon the Responsible Local Agent if one has been designated.

Section 1360.09 Transfer of ownership.

If the ownership of a non-owner-occupied residential dwelling or unit is transferred, any property registration under this article shall become void. An application for registration must be made at the time of closing by the purchaser, transferee, or grantee, and the seller of the non-owner-occupied residential dwelling or unit must notify the City within forty-five (45) days of the sale or transfer and provide the name and address of the purchaser or transferee. A purchaser or transferee who intends to live in a single-family dwelling that was a non-owner-occupied single-family dwelling prior to the sale or transfer but will be an owner-occupied single-family dwelling after the sale or transfer, need not comply with registering the property once a transfer affidavit and proof of transfer has been filed with the County Auditor. No refunds or credits of fees will be given when there is a transfer of ownership.

Section 1360.10 Presumption of non-owner-occupied residential dwelling or unit.

Whenever a residential dwelling or unit used for or intended for residential purposes is vacant or occupied by anyone other than the owner of record as shown in the records of the County Auditor and/or the City of Maumee, there shall exist a presumption that the dwelling or a portion of the dwelling is a non-owner-occupied residential dwelling or unit regardless of whether monetary compensation is exchanged between the owner and the person(s) occupying the residential dwelling or unit.

Section 1360.11 Fees and charges.

Application fees, inspection fees, applicable late fees as well as any other charges in connection with property registration and inspection shall be established administratively. The City Administrator and Law Director are hereby authorized and directed to charge actual, cost allocated, hourly fees for any applications, inspections, charges, fees and/or late fees required by this Code and for any filing or appeals filed related to the application of the provisions of this code. The registration application fee shall not exceed fifteen dollars (\$15) per residential unit every 4 years for registrations made on time, and the inspection fee shall not exceed one hundred and fifty dollars (\$150) per residential unit for the initial inspection for those units that pass the first inspection without the need for a follow-up 90-day inspection. The cost of any follow up inspections shall be separately charged fees as established by the City Administration.

Section 1360.12 Housing Fund

All fees charged shall be placed in a Housing Code Fund. No part of the funds held in the Housing Code Fund may be transferred to the general operating fund for any purpose.

Section 1360.13 Disclaimer of liability.

The City shall not be liable to any person or entity by reason of the inspections required by this article or the issuance of a property registration. A property registration is not a warranty or guarantee that there are no defects in the non-owner-occupied residential dwelling or unit. The inspection of the land use, exterior and interior of the dwelling or unit is limited to visual inspection only. The City does not guarantee or approve, and shall not be held responsible for, defects not noted in any inspection report or for any latent, structural, or mechanical defects thereto.

Section 1360.14 Penalties.

In addition to any late fees or other charges set forth in 1360.11 or established whoever violates 1360.02 a. and/or fails to register or fails to maintain a valid property registration as required shall be guilty of a misdemeanor of the fourth degree if the property is not registered by the due date of the registration period or renewal period for that property. Subsequent violations for failure to register shall be first degree misdemeanor. Each day that a violation of the registration provisions continues to exist may be considered to be a separate offense. In the case of a multi-unit non-owner-occupied residential dwelling, each unit that is in violation of the registration requirements as set forth herein constitutes a separate offense. The Court shall suspend any jail term of any person in violation of Chapter 1360.02 a who complies with the registration requirements within thirty days of receipt of a citation where that person has no previous violations of this chapter but shall have no authority to waive fee and fines. Whoever violates section 1360.04 shall be charged with a 4th degree misdemeanor on the first offense or a first-degree misdemeanor on any subsequent offense.

Section 1360.15 Abatement of Rent.

In addition to all other remedies provided for in this chapter, if a summary proceeding action is pending for a rental and/or a non-owner occupied residential dwelling or unit, and when there is no current, valid registration for a non-owner occupied residential dwelling or unit, no rent payments shall be accepted, retained, or recoverable by the owner or lessor of the non-owner occupied residential dwelling or unit for the period of time in which the non-owner occupied residential dwelling or unit was not registered under this article.

Section 1360.16 Severability.

If any provision of this Chapter is determined to be unenforceable by a court, the remainder of this article shall be deemed severable and is to remain in full force and effect.

CHAPTER 1361 MINIMUM HOUSING STANDARD

1361.01. Generally

All words and terms used in this Code shall be given their common and normal meaning unless defined in Section 1360.01. The words and terms defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Code.

This Code shall be generally interpreted as an ordinance that provides for the enforcement of all applicable codes, ordinances, and statutes. The City of Maumee has ordinances in place which provide for non-conforming uses of property. Maumee Codified Ordinances in Chapter 1130 and Section 1301.06 may control as to non-conforming structures and structures that do not meet the current building codes. There are many properties that do not currently comply with codes presently adopted and in force and as such shall be inspected and judged based on codes in place during the era in which the home was constructed. However, the perpetuation of legal non-conformances with currently in place codes and/or ordinances shall be determined on a case-by-case basis where health, safety, and welfare of residents and the public may be at risk. Additionally, any work previously performed in a premise and/or unit in which the proper building, plumbing, mechanical, electrical, and/or zoning permits were not applied for and granted may be required to comply with current, appropriate code and obtain proper permits.

In the case of compliance with the Clean Water Act of 1972, or regulations promulgated through the Federal Emergency Management Agency (FEMA), the City of Maumee cannot honor legal non-conformances and as a result those uses are and those non-conformities will be required to comply with current environmental regulations and other codes where perpetuation of legal-non-conformances is either impractical or prohibited by law or code.

Nothing set forth herein, shall prohibit or restrict the ability of the City to pursue separate nuisance actions against the subject properties pursuant to Maumee Codes, or State or Federal Law.

1361.02. Definitions.

The definitions set forth in Section 1360.01 are incorporated herein by reference.

1361.03 Maintenance of facilities.

All dwellings shall be maintained and repaired in a workmanlike manner. All required and integral equipment in every dwelling shall be installed in accordance with the provisions of this Chapter, the Maumee Building Code, Ohio Building Code and Ohio Residential Code, and maintained in accordance with the provisions of the Maumee Code or Codes so as to perform intended functions properly and safely. All dwellings and units are required to be in compliance with Ohio law, Federal Law, and Maumee Codified Ordinances as the same relate to storm water and sewer connections.

1361.04. Purpose.

The purpose of Chapters 1361-1366 is to protect the public health, safety, and welfare of occupants in non-owner-occupied buildings used or intended to be used for human habitation as hereafter provided by:

Establishing minimum standards for exterior property areas, exterior structure, interior structure, basic facilities, light and ventilation, occupancy requirements, and fire safety. These standards are designed to be reasonably high but at the same time practical and attainable.

Fixing the responsibilities of owners, operators, occupants, and Responsible Local Agents of dwellings and dwelling units.

Providing for administration, enforcement, and penalties.

1361.05 Applicability.

The provisions of Chapters 1361-1366 shall apply to all existing structures used, designed, and constructed for the purpose of or intended to be used for human habitation that which are used and/or contemplated for use as a non-owner-occupied structure, unit, or dwelling unit. The minimum standards required under this code are designed to prevent fire hazards, structural deterioration, inadequate light, air and heat, and unsanitary and overcrowded conditions which constitute a menace to the safety, health, and welfare of the occupants.

1361.06 Enforcement

The provisions of these Chapters and Code shall be enforced by the Public Safety Director, Chief Building Official, Inspectors, Fire Officials, and/or the Chief of Police or their designated representatives.

1361.07 Inspections.

In order that they may perform their duties to safeguard the health, safety, and welfare of the occupants of dwellings and of the general public, the Public Safety Director, Chief Building Official, Chief of Police and/or Fire Official, or their reports and/or subcontractors are hereby authorized to make or cause to be made such inspections of dwellings or dwelling units as are necessary to enforce the provisions of this code. The inspections that are authorized for the purpose of enforcement of the provisions of this code shall be made at a reasonable time and according to the provisions set forth herein. The word "dwelling" as used in this paragraph shall include, but not be limited to, those categories of structures defined herein.

The Director of Public Safety, Chief Building Official, Building Inspectors, Housing Inspectors, Chief of Police and Fire Officials or their designees, employees or subcontractors shall inspect buildings and structures regulated by this code. Inspections may be conducted even though a current certificate of compliance is on record with the Service and Public Safety Departments, specifically the Build, Zoning, and Code Division.

An inspection shall be conducted in the manner best calculated to secure compliance with this code and appropriate to the needs of the community. In developing inspection schedules consideration may be given to deferring inspections for newly constructed residential dwellings or residential dwellings which have been completely renovated. In the event an inspection reveals that installation of plumbing, heating, electrical, appliance, or other item or material for which no permit was obtained, if the owner can substantiate

that the installation took place before that owner acquired the subject property, the owner shall not be subject to criminal prosecution or penalty but shall be required to obtain the appropriate permit and have an inspection of the installation and pay the appropriate building permit and inspection fees.

In an emergency situation, the Director of Public Safety, Chief Building Official, Chief of Police and Fire Official or their designee, employees and/or subcontractors have the right to enter at any time. For purposes of this code, an emergency shall exist when the Director of Public Safety, Chief Building Official, Chief of Police or Fire Official has reasonable grounds to believe that a condition hazardous to health or safety exists on the premises and requires immediate attention.

In a non-emergency situation where the owner or occupant of any dwelling refuses entry to a unit or dwelling, the Director of Public Safety, Chief Building Official, Chief of Police, or Fire Official or their designee or employee shall obtain a warrant from an administrative hearing officer or a court of competent jurisdiction according to applicable law. In a non-emergency situation, the property owner and/or occupant shall be afforded the opportunity for pre-compliance review as to the need for a warrant for an inspection before a neutral decision maker according to law.

1361.08. Issuance of certificate of compliance.

The certificate of compliance shall be issued only upon an inspection of the premises by the Chief Building Official or his or her appointed designee or employee or subcontractor.

The Chief Building Official or his or her appointed designee or employee or subcontractor shall not issue a certificate of compliance when any existing condition constitutes a violation of this code or other building codes as adopted by Maumee or this ordinance.

Upon a finding that there is not a condition that would constitute a violation of the building codes or this code, the certificate of compliance shall be issued. Upon a finding that there is a condition that would constitute a violation of the building codes or this code, the certificate of compliance shall not be issued, and an order to comply with this article shall be issued immediately as possible and served upon the owner. Upon reinspection and proof of compliance, the order shall be rescinded, and a certificate of compliance shall be issued. Subject to the provisions of subsection (3), a certificate of compliance shall not be valid for a period of more than three (3) years. However, if the entire premise is found to be violation free without a necessity of follow-up inspections to check compliance with the original order, the premise shall be granted an extra year, for a total of four (4) years before another inspection is required, unless either by complaint or report another violation is witnessed or comes to the attention of the City.

A certificate of compliance shall be issued on condition that the building or structure remains free from violations of this code. If upon reinspection by the Chief Building Official determines that conditions exist which constitute a violation of this code, the certificate shall be immediately suspended as to affected areas, and an order to comply with this code shall be issued immediately and served upon the owner. On reinspection and proof of compliance, the order shall be rescinded, and the suspended certificate reinstated, or a new certificate issued. No person shall alter

a certificate of compliance or represent that a property has a valid certificate of compliance where a valid certificate of compliance for that property does not exist or has been suspended or has lapsed.

1361.09 Reasons for revocation or denial of certificate of compliance.

A certificate of compliance may be denied or revoked by the Director of Public Safety or Chief Building Official for any of the following reasons:

Whenever the City finds that the owner of any non-owner-occupied residential dwelling or unit has failed to comply with a notice of violation issued pursuant to this Code;

If an owner, tenant, or responsible local agent has refused or failed to allow an inspection of the non-owner-occupied residential dwelling or unit by a code enforcement official;

An act, omission, or condition exists at a non-owner-occupied residential dwelling or unit that is unauthorized or beyond the scope of the property registration granted;

The owner has committed an act or omission, or allowed a condition to exist at the non-owner-occupied residential dwelling or unit that is prohibited by the provisions of this article or any other City ordinance, regulation, or provision, or by any state or federal law;

The owner has committed an act or omission, or allowed a condition to exist at the non-owner-occupied residential dwelling or unit that is contrary to the public health, safety, and welfare of the citizens of Maumee; or

The owner has committed an act or omission or allowed a condition to exist as the non-owner-occupied residential dwelling or unit that is a nuisance of the Codified Ordinances or the Ohio Revised Code or local health department.

1361.10. Inspection fees.

The owner of a dwelling unit subject to inspection, shall be charged fees by the Chief Building Official for inspections conducted pursuant to this code in accordance with the rates and fees as adopted by the City of Maumee in effect at the time of the inspection. The owner or occupant of property whose dwelling is inspected pursuant to a housing rehabilitation program or other housing assistance program of the City shall not be charged for such inspection.

Inspection fees, applicable late fees as well as any other charges in connection with property inspection shall be established by the City Administrator and the Law Director in consultation with the Chief Building Official. The City Administrator is hereby authorized and directed to calculate and charge on a fully allocated hourly rate and/or a fixed, graduated rate which shall generally reduce as the number of units within a structure increase and shall cover the cost of said program.

If the owner fails to pay an invoice for inspection fees directed to him or her within thirty (30) days, the City may cause the costs reflected in said invoice to be assessed against the premises as a special assessment and may institute an action against the owner for the collection of said

costs in any court of competent jurisdiction. However, the City's attempt to collect such costs by any process shall not invalidate or waive the lien upon the premises.

All fees charged shall be placed in a Housing Code Inspection Fund which can be used to pay the cost related to maintaining and enforcing Maumee code provisions related to buildings and zoning. *No part of the funds held in the Housing Code Inspection Fund may be transferred to the general operating fund for any purpose.*

1361.11 Violations observed.

When violations of Chapters 1361-1366 are observed, the Chief Building Official or his or her authorized representative shall file a written report of such violations with the City Administrator and the City Law Director.

1361.12 Notices and orders.

Notice of violations of Chapters 1361-1366, and orders for the correction of such violations shall be given to the owner or his or her agent within seven (7) working days from the date of inspection. Notice shall:

1. Be in writing.
2. Identify the property involved, the day of the inspection and the name of the inspector.
3. Cite the conditions that constitute violations of this article.
4. State the time allotted for correction of the violations. Emergency hazards shall be corrected immediately. For purposes of this section, the time allotted for correction of non-emergency violations shall be no less than thirty (30) and no more than ninety (90) calendar days.
5. Inform the owner of his or her right to appeal to the Administrative Hearings Officer. Any appeal of a decision shall be heard within thirty days and decided within a reasonable time frame by the Administrative Hearings Officer as hereinafter set forth.

1361.13 Transfer of ownership and Disclosure.

When selling or transferring ownership of a non-owner-occupied residential dwelling and/or unit the seller and his or her agent/s shall disclose and furnish to the buyer, grantee or transferee a true copy of said notice of any pending violation or violations of this code and any order or orders for correction issued by the Chief Building Official, and shall furnish to the Chief Building Official a signed and notarized statement from the grantee or transferee acknowledging the receipt of such notice of violation and order for correction, and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation and order for correction.

1361.14 Notice to vacate.

When the Chief Building Official, Chief of Police or Fire Official finds any dwelling unfit for human habitation, he or she shall serve notice to vacate on the owner or his or her responsible local agent as follows:

By personal service on the owner or the responsible local agent; or

By personal service to the owner, the responsible local agent, or to a person of suitable age and discretion at the owner's or responsible local agent's last known address; or

By either first class mail, certified mail, or personal service addressed to the owner or his or her responsible local agent at his or her last known address; or

By posting the notice for a twenty-four (24) hour period in placard form in a conspicuous place on the premises to be vacated. No person shall deface or remove such placard from any dwelling except by authority in writing from the Chief Building Official.

1361.15. Vacating of unfit building.

Any dwelling or dwelling unit which has been declared unfit for human habitation shall be vacated within a reasonable time as required by the Director of Public Safety, Chief Building Official, Chief of Police or Fire Official. No person shall occupy such dwelling or dwelling unit until written approval is secured from the Chief Building Official.

1361.16 Correction of violation.

The time limit set for the correction of a violation may be extended by the Chief Building Official if the owner can show a good faith effort to comply with the repair order. Time limits may also be extended by the Chief Building Official for repairs which cannot be carried out within the allotted period because of the seasonal nature of the work to be done.

1361.17 Non-compliance cases.

If the owner or occupant fails to comply with the correction order contained in the notice of violation, the Chief Building Official may bring an action to enforce the provisions of this article. If the violation constitutes an emergency, or the owner ignores the correction order, the Chief Building Official may cause the necessary repairs to be made or take other corrective action up to and including condemnation and demolition of the structure, and the charges collected as a special assessment against the premises.

1361.18 Penalties.

In addition to the enforcement action and actions of the Chief Building Official, which may include monetary fees and fines as established by administrative policy, a person or entity who violates the provisions of this Chapter for failing to comply with the correction orders of the Chief Building Official within the time period specified in the correction order (which order shall be no less than 90 days if it is not a condition hazardous to health or safety that exists on the premises that requires immediate attention) shall be guilty of a misdemeanor of the Fourth degree. Each day of violation of a provision of this article relating to the failure to comply with the correction order shall constitute a separate violation. The Court shall suspend any jail term of any person in violation of this Chapter who complies with the charged code requirements within thirty days of receipt of a citation and where that person has no prior violations of this Chapter, but the Court shall have no authority to waive fines and fees. The Court shall not wave fees and penalties.

1361.19. Appeal.

An owner, occupant, or agent of the owner, whose building has been inspected, may appeal any decision of the Chief Building Official or an inspector to the Administrative Hearings Officer for a hearing related to the notice of violation(s) and any correction order(s) contained therein. The Administrative Hearings Officer may grant a specific variance to any requirement of this article if the literal application of a requirement would result in practical difficulty for compliance with the particular section(s) at issue. No relief shall be granted if same would result in either the purpose or the intent of the particular section(s) at issue being abrogated. The appeal must be filed within (seven) 7 days of the receipt of the notice of violation. The filing of an appeal shall not stay application of the order issued until such time as the appeal is decided. An appeal hearing shall be held, and a decision rendered within a timely period of the appeal, which shall not exceed 14 days, unless both appellant and the City of Maumee agree in writing to extend the time for a hearing and decision. The Administrative Hearings Officer may attach in writing any conditions in connection with the granting relief that, in his or her judgment, are necessary to protect the health, safety and welfare of the people of the City of Maumee. In authorizing a variance, the Administrative Hearings Officer shall require such evidence as it may deem necessary to ensure that the purpose and intent of the particular section(s) at issue will be satisfied. In reviewing a request for relief, the Administrative Hearings Officer shall consider the following to determine whether practical difficulty exists:

Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;

Whether the exceptional or extraordinary conditions resulted from the action of the property owner;

Whether there exists alternative or equivalent methods or materials that would allow the purpose and intent of the particular section(s) at issue to be satisfied;

Whether strict compliance with the ordinance requirements would be unreasonably burdensome on the property owner;

Whether strict compliance with the ordinance requirements would cause a financial hardship for the property owner;

Whether the granting of a variance would result in a substantial detriment to the property; and

Whether the variance or relief requested is the minimum variance possible that would still allow the purpose and intent of the particular section(s) at issue to be met.

1361.20 Appeal application fee.

Any person who files an appeal or request for variance, shall be obligated to accompany his or her appeal or request for variance with an application fee established by the City Administration. The City Administrator may waive an application fee if he or she finds same would cause a financial hardship for the applicant.

CHAPTER 1362 FIRE SAFETY

1362.01 Fire safety regulations.

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

(1) Cooking and heating equipment.

All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the manufacturer's installation and maintenance instructions or other laws or ordinances of the City. Portable cooking equipment employing flame and portable heating equipment employing flame are prohibited, except that unvented fuel-burning room heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard Z21.11.2 shall be permitted in single-family, owner-occupied dwelling units only.

(2) Storage of flammable liquids prohibited.

No dwelling or dwelling unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids with a flashpoint of one hundred ten (110) degrees Fahrenheit or lower.

No dwelling or dwelling unit shall handle, dispense, or store flammable liquids with a flashpoint of one hundred ten (110) degrees Fahrenheit or lower.

(3) Egress and fire related matters.

The owner of every existing dwelling shall be responsible for the safety of all persons in or occupying such premises with respect to the adequacy of means of egress therefrom and shall comply with the following:

(a) Any existing dwelling not now provided with exit way facilities as herein prescribed for new dwellings and in which the exit ways are deemed inadequate for safety by the Chief Building Official or Fire Official shall be provided with such additional safe means of egress as shall be ordered by the Chief Building Official or Fire Official.

(b) If new or altered exit way facilities are installed or constructed, they shall comply with all requirements of the Maumee Codes, Ohio Fire Code as adopted by Maumee, Ohio Building Code and Ohio Residential Code.

(c) It shall be unlawful to obstruct or reduce in any manner the clear width of any doorway, hallway, passageway, or any other exit way required by this article. All egress doors whether interior or exterior shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort. Double keyed deadbolt locks are strictly prohibited.

(d) Every sleeping room shall have at least one (1) window or one (1) door opening directly to the outside to serve as an emergency exit if the normal avenues of escape are blocked, which can be opened from the inside without the use of tools and of such size as required by the applicable Code.

(e) Fire escapes shall be permitted only by special order of the Chief Building Official in existing buildings when more adequate exit way facilities cannot be provided. Fire escapes shall be constructed in accordance with the applicable Code and architectural standard.

(f) Fire suppression systems. Automatic fire suppression systems shall be provided in non-fire-rated storage and workshop areas larger than one hundred (100) square feet in area in multiple-family or mixed-use residential structures. This provision (f) does not apply to a single-use residential/family or duplex family structures unless determined to be required by state building or fire code. However, a fire extinguisher must be provided in the above referenced non-fire-rated storage.

(g) Smoke and carbon monoxide detectors. Smoke and carbon monoxide detectors shall be installed in accordance with the Maumee Code, Ohio Fire Code as adopted by Maumee, Ohio Building Code and Ohio Residential Code.

CHAPTER 1363 EXTERIOR STANDARDS

1363.01 Exterior property areas.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling, or dwelling unit for the purpose of living therein which does not comply with all of the following:

1. Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage, junk, or rodents.
2. Prohibited uses. No horse, cow, calf, swine, sheep, goat, chickens, geese, or ducks or any other livestock shall be kept in any dwelling, or accessory structure, or part thereof, or on any property.
3. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon. All cisterns and septic tanks must be disconnected and filled with sand if not used for stormwater retention.
4. Sidewalks and driveways. All sidewalks and driveways shall be maintained in sound condition in accordance with ASTM standards. Private sidewalks shall be concrete or asphalt if the width of an ASTO standard pathway and shall comply with City of Maumee architectural and construction standards. Expansions of existing driveways, parking areas, or sidewalks shall be paved concrete, brick, or asphalt surfaces and shall meet all City of Maumee architectural and site standards.
5. Accessory structures. All accessory structures shall be maintained in a structurally sound condition and in good repair and when repairs are necessary must adhere to all city of Maumee architectural, building and zoning codes as well as all State and federal laws. No accessory structure shall be occupied as a dwelling unless approved by the Zoning Manager and Chief Building Official and which adheres to applicable zoning, building, and safety codes and ordinances of the State of Ohio and the City.
6. Temporary structures. No temporary structure shall be occupied as a dwelling or maintained for longer than 7 days.

7. Keep the grass and noxious weeds mowed to a height not in excess of eight inches and keep the premises clear from all noxious weeds as set forth in Maumee Codified Ordinance 915.02

8. Keep and maintain the premises in compliance with all City of Maumee Code provisions.

1363.02 Exterior Building Envelope.

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

(1) Structure. Every foundation, wall, and roof shall be reasonably weatherproof, waterproof, and rodent proof, shall be capable of privacy and kept in good repair.

The foundation elements shall adequately support the building at all points of the building footprint.

Every exterior wall shall be free of holes, breaks, loose, or rotting boards or timbers, and any other condition which might admit rain, dampness, or rodents to the interior portions of the walls, or which might provide harborage for insects or other vectors of disease. Exterior walls and wood trim shall be well and sufficiently painted so as to prevent same from deteriorating and becoming havens for rodents, insects, and other vectors of disease. Defective paint that is suspected of containing lead levels in excess of allowable limits shall be treated or removed in accordance with established H.U.D. and E.P.A. guidelines.

The roof system shall be free of defects of any kind including, but not limited to, deflection that is not a consequence of; or results in, an unsafe condition, the admission of moisture, damage to structural members, sheathing, flashings, roof covering, ventilation, and drainage systems.

Gutters and downspouts shall be provided so as to prevent rainwater from causing dampness in the walls or interior portion of the building and to prevent ground water from migrating to or entering into the basement walls or foundation. Gutters and downspouts shall not be connected to the sanitary or storm water sewers.

(2) Stairs and porches. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and in good repair. In the case of stairs with four or more risers, the stairway shall be equipped with a full-length handrail and/or guardrail. Such handrails and guardrails must include balusters and shall be installed in accordance with the Ohio Building Code or the Ohio Residential Code.

(3) Openings. Every window, exterior door, and basement hatchway and their frames shall be maintained in good repair, operate as designed and intended, and shall be weatherproof; rodent-proof, and waterproof.

(4) Chimneys. All chimneys shall be maintained in sound condition, free of holes and breaks and operate as intended. All chimneys shall be properly capped and supplied with an appropriate cleanout. The top of the chimney shall be at least two (2) feet above

any point on the roof within a ten (10) foot radius of the chimney but shall not be less than three (3) feet above the highest point where the chimney passes through the roof.

(5) Address numbers. All buildings shall bear distinctive address numbers at least four (4) inches in height at or near the front entrance of such building. The owners of all buildings shall cause the correct numbers to be placed thereon. All numbers shall be facing the street, shall be of a contrasting color and in such a position as to be plainly visible from the street. The use of Arabic numerals is required.

CHAPTER 1364 INTERIOR STANDARDS

1364.01 Interior structure.

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

(1) Free from dampness. All the interior areas of the dwelling, including the cellar, basement, and crawl space, shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure or molding conditions.

(2) Structural members. The supporting structural members of every dwelling or dwelling unit used for human occupancy shall be maintained in a structurally sound manner with no evidence of deterioration and/or modification that would render them incapable of supporting the imposed load.

(3) Stairs and railings. Every stair, porch, and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and in good repair. In the case of stairs with four (4) or more risers, the stairway shall be equipped with a full-length handrail and/or guardrail and balusters. Such handrails, guardrails, and balusters shall be installed in accordance with the Ohio Building Code or the Ohio Residential Code and shall also be installed and maintained the entire rise.

(4) Bathroom and kitchen floors. The floor surface of all bathrooms, kitchens and water closets shall be constructed of impervious material and maintained so as to permit such floor to be easily kept in a clean and sanitary condition. This subsection shall not be construed to prohibit carpeting placed over a floor impervious to water.

(5) Sanitation as follows:

(a) Cleanliness before occupancy. No owner shall permit any vacant dwelling unit or premises to be inhabited by new occupants unless such dwelling unit or premises are clean, sanitary, and fit for human occupancy.

(b) Responsibility. The interior of every dwelling and multiple dwellings used for human habitation shall be maintained in a clean and sanitary condition by the occupant. The owner shall be responsible for maintaining the structure and premises thereof which he occupies and controls.

(c) No room or area of a dwelling or dwelling unit shall be so cluttered as to prevent access to egress, utilities, or mechanical components of the structure.

(d) Rubbish, refuse, and garbage. Rubbish, refuse, and garbage shall be kept inside temporary storage facilities according to the requirements of chapter 957 of the Maumee the Maumee code. The owner of every dwelling shall supply approved containers with tightly fitting covers for the temporary storage of rubbish, refuse, and garbage prior to removal.

(e) Insect and rodent harborage. Buildings used for human habitation shall be kept free from insect and rodent infestation. The owner of every dwelling shall be responsible for the extermination of all insects, rodents, and other pests within a dwelling.

(f) Interior cabinetry. Bathroom, kitchen; and kitchenette cabinetry and countertops shall be maintained in sound condition and proper working order.

(g) Interior walls, ceilings, and floors. Every interior wall, ceiling and floor shall be maintained in sound condition and in good repair. Walls shall be capable of affording privacy for the occupants. Interior walls, ceilings and trim shall be kept free from defects in painted surfaces. Defective paint is paint on surfaces which is cracking, scaling, chipping, peeling or loose. Defective paint that is suspected of containing lead levels in excess of allowable limits shall be treated or removed in accordance with established H.U.D. and E.P.A. guidelines.

1364.02 Basic facilities requirements.

Unless otherwise provided, and subject to the non-conforming use provisions as previously set forth herein, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with Minimum Housing standards herein referred (Section 1361) and the following requirements:

(1) Cooking and kitchen facilities. Except for efficiency apartments, no food shall be prepared in any room used for sleeping purposes. No kitchen or cooking accommodations shall be permitted or maintained in any room or space in any building for the common or joint use of the occupants of more than one (1) dwelling or unit.

(2) Sanitary facilities. (Bathrooms, Kitchens, Plumbing)

Bathroom, every dwelling and/or dwelling unit shall contain a room which affords privacy, employing the use of a door and a panic-proof lock set, to a person within such room, and which is equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to a potable water and sanitary sewage system. The lavatory basin may be located outside such room provided it is adjacent thereto. The lavatory basin and bathtub or shower shall be properly connected with both hot and cold potable water lines.

In rooming houses, boarding houses, lodging houses or tourist houses, there shall be at least one (1) bathroom for every four (4) occupant rooms. Each bathroom shall be located on the same level as the rooms they serve.

Kitchen sink. Every dwelling unit shall contain a kitchen sink in good working condition, and properly connected to hot and cold potable water lines and to an approved sanitary sewage system.

Plumbing fixtures. Plumbing fixtures shall be arranged so as to prevent the wetting of supporting framework. The space beneath such fixtures shall be accessible and shall not be so enclosed as to prevent ventilation sufficient to maintain dry and sanitary conditions.

(3) Water connection and water heating facilities. Every kitchen sink, lavatory basin, bathtub or shower, water closet, and laundry facility shall be properly trapped and vented, shall have faucets and fixture fittings, and shall be properly connected to an adequate potable water system and public sanitary sewer system if available in accordance with the Ohio Plumbing Code.

All water distribution piping shall be properly supported and capable of supplying water at forty (40) pounds minimum pressure, eighty (80) pounds maximum pressure, and flow rates (gpm) in accordance with the Ohio Plumbing Code at every required kitchen sink, lavatory basin, bathtub shower and laundry facility.

Every dwelling shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to those fixtures which are required in the above subsection to be supplied with hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub shower and laundry facility or other similar units at a temperature of not less than one hundred twenty (120) degrees Fahrenheit at any time needed.

(4) Heating facilities. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero, and with the measurement being taken three (3) feet above the floor level in accordance with the Ohio Mechanical Code. All gas piping shall be properly supported.

(5) Electrical system.

a. *Each habitable room* shall be provided with a minimum of two (2) duplex receptacles conveniently located to adequately supply the electrical fixtures and appliances therein.

b. *Kitchen receptacles* shall be individually grounded. Countertop receptacles shall be protected by a ground fault circuit interrupter.

c. *Each bathroom* shall be provided with at least one (1) duplex receptacle located within three (3) feet of the sink and shall be protected by a ground fault circuit interrupter.

d. *A dedicated circuit* shall be provided for the laundry appliances. The laundry area shall be provided with at least one (1) duplex receptacle located adjacent to the laundry appliances and shall be protected by a ground fault circuit interrupter.

e. *A dedicated circuit* shall be provided for the furnace, with a disconnect located within sight of the furnace.

f. *All outside receptacles* shall be protected by a ground fault circuit interrupter.

g. *Three-way switching* shall be provided for all stairways with six (6) or more risers. Three-way switching is not required if the stairway is continuously illuminated, or the lights are automatically controlled.

h. *Every room or space* including, but not limited to, habitable rooms, hallways, stairways, bathrooms, kitchens, laundry rooms, garages, utility rooms, basements, cellars, crawlspaces, work rooms, or storage rooms shall be provided with a lighting fixture controlled by a switch at the entryway except that: a habitable room may be provided with a switched receptacle, or a duplex receptacle located within six (6) feet of the entrance doorway.

i. *The light provided for the laundry equipment area* may be connected to the dedicated laundry circuit.

j. *An attic that is accessible by stairs* shall be provided with at least one (1) light outlet switched near the entryway.

k. *Each main entrance* shall be provided with a suitable lighting fixture outside of the door and a switch convenient to the door. Each enclosed porch shall be provided with a suitable lighting fixture outside the door.

l. *All garages* shall be provided with at least one (1) inside lighting fixture, a ground fault circuit interrupter protected outlet, and a switched lighting fixture outside the service door. If the exterior of the service door is adequately illuminated by other lighting, a lighting fixture outside of the service door is not required.

m. *The electrical service* must have an ampacity of not less than the load served.

Existing electrical services that do not comply with subsection (5) above shall be upgraded in accordance with the Ohio Building Code and Ohio Residential Code.

The following requirements are in addition to the requirements of subsections:

(5)(a) through and including subsection (5)(m) for two-family and multiple-family dwellings:

1. Each occupant shall be provided access to his or her respective service disconnecting means and over-current protection devices.

2. Common area shall not be fed from a dwelling unit panelboard.

3. Evidence of inadequate or unsafe wiring in an existing dwelling shall include, but is not limited to, any of the following:

a. The use of extension cords in lieu of permanent wiring.

b. Oversized fuses or circuit breakers.

c. Improper extensions to the wiring system.

d. Overloading of service or branch circuits.

e. Misuse of electrical materials and equipment.

f. Insufficient receptacles in a room or area.

g. Lack of operable lighting as required in subsection (5)(h).

Every non-conforming structure or use is permitted to remain or continue, provided that:

1. The structure or use complies with all applicable provisions of the zoning ordinance;
2. The structure or unit has not been vacant for more than 90 days;
3. Minor repairs to a structure do not necessarily increase the non-conformity of the structure or use; or
4. Repairs of any part of a structure or system do not alter the existing design or installation of the structure or system being repaired.
5. The structure meets the requirements of this Chapter and otherwise is in compliance with Maumee Codes and Ordinances.

CHAPTER 1365 MINIMUM STANDARDS FOR LIGHT AND VENTILATION

1365.01. Minimum requirements.

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

1. Windows. Every habitable room and bathroom shall have at least one (1) egress window or egress skylight facing directly to the outdoors or to a court. The minimum total window area measured between stops for every habitable room shall be at least eight percent (8%) of the total floor area of such room. All windows shall be fully operational, and the sashes shall be capable of remaining open with approved sash control devices. This requirement is waived if the room is a closet and is provided with adequate artificial lighting.
2. Ventilation. Every habitable room and bathroom shall have at least one (1) window that can be easily opened and will adequately ventilate the room. The total openable window area in every habitable room shall be at least four percent (4%) of the total floor area of such room. This requirement is waived if the room is provided with adequate mechanical ventilation.
3. Egress window. Any room that may be used for sleeping purposes shall be supplied with an egress window in compliance with the Ohio Building Code or Ohio Residential Code.
4. Light and ventilation in public halls and stairways. Every public hall and stairway serving dwellings, excluding one- and two-family dwellings and townhouses, shall be adequately lighted at all times, and shall be provided with as much ventilation to the outer air as required by the Ohio Building Code. This language shall not be construed to exempt one- and two-family dwelling units and townhouses from the requirements of the Ohio Residential Code.
5. Storm-screen units. The owner of a dwelling shall be responsible for all storm-screen units or safe weatherproof energy efficient windows.

6.Doors. Every uninsulated door opening directly from any dwelling or dwelling unit to the outdoors that may be used for ventilation purposes shall be supplied with a storm-screen unit. Every insulated door shall be provided with a screen only. Every hinged screen or storm-screen door in a dwelling or dwelling unit shall have a self-closing device in good working condition.

7.Windows. Every uninsulated window opening directly from any dwelling or dwelling unit to the outdoors that may be used for ventilation purposes shall be supplied with a storm-screen unit. Every insulated window shall be provided with a screen only. Each basement or cellar window, when open for ventilation, shall be screened and every other opening to a basement which might provide an entry for rats or other vermin shall be supplied with a screen or other device as to effectively prevent their entrance.

CHAPTER 1366. MINIMUM SPACE REQUIREMENTS

1366.01 Occupancy requirements.

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

(1) Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven (7) feet in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counter fronts and appliances, or counter fronts and walls.

(2) Minimum ceiling heights. In all existing habitable spaces, hallways, laundry areas, bathrooms, toilet rooms, and habitable basement areas shall have a clear ceiling height of not less than six (6) feet six (6) inches. Exceptions:

In one- and two-family dwellings, beams or girders spaced not less than four (4) feet on center and projecting not more than four (4) inches below the required ceiling height.

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

Rooms occupied exclusively for sleeping, study, or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least six (6) feet six (6) inches over not less than one-third (1/3) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included.

(3) Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of (a) through (c) below.

(a)*Room area.* Every dwelling unit shall have at least one (1) habitable room that shall have not less than one hundred twenty (120) square feet of gross floor area, and every bedroom shall have a floor area of not less than seventy (70) square feet.

(b)*Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: units that contain fewer than two (2) bedrooms.

(c)*Water closet accessibility.* Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom, or an adjacent story.

Prohibited occupancy. Kitchens, kitchenettes, and non-habitable spaces shall not be used for sleeping purposes.

Minimum sleeping space. In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant.

Subject to the non-conforming use provisions as previously set forth in this code, fire separation walls in two-family and multiple-family residential structures, and mixed-use structures, each dwelling unit shall be completely separated from the adjacent dwelling unit by fire separation walls and floor/ceiling assemblies in accordance with the Ohio Building Code and Ohio Residential Code. Fire separation walls may be required in multi-family residential structures where the health, safety, and welfare of residents and/or the public may be at risk. In mixed-use occupancies, the fire separation rating between residential and non-residential uses shall be in accordance with the Ohio Building Code. Attached garages in all dwellings shall be completely separated from the adjacent dwelling by fire separation walls and floor/ceiling assemblies in accordance with the Ohio Building Code and Ohio Residential Code.

Lodgers prohibited. The Chief Building Official may prescribe conditions in writing, under which lodgers or boarders may be permitted in dwellings. It shall be the duty of the owner to see that the requirements for lodgers from the Chief Building Official are complied with at all times. A failure to so comply on the part of any occupant, after due and proper notice from the owner shall be cause for eviction of such occupant and the cancellation of his or her lease by the owner. A failure to so comply on the part of any occupant after due and proper notice from the Chief Building Official shall be deemed sufficient cause to order the property vacated. The provisions of this section may be extended to owner-occupied dwellings, as may be found necessary by the Chief Building Official.

Thermal environment. Subject to the non-conforming use provisions as previously set forth herein, every non-habitable attic space shall be insulated with an NFPA rated insulation material to a minimum value of R-13 or above so as to provide minimum thermal protection. The structure must meet Ohio Building Code in terms of insulated value for exterior walls and ceilings that

separate conditioned space from unconditioned space. In no instance shall ceilings next to unconditioned space have an R value less than 38.

1366.02 Penalties.

In addition to the enforcement action and actions of the Chief Building Official or Fire Official, a person violating any provision of Chapters 1362-1366 of this Code for failing to comply with the orders of the Chief Building Official may be charged with a misdemeanor of the first degree. Each day of violation of a provision of this article relating to the physical condition of any dwelling shall constitute a separate violation. The Court shall suspend any jail term of any person in violation of these Chapters who complies with the charged code requirements within thirty days of receipt of a citation and where that person has no prior violations of these Chapters but cannot waive fines and penalties.

CHAPTER 1367 FAIR HOUSING

1367.01 Definitions.

The terms used to classify groups protected by the provisions of this article shall have the same meaning as used in state and federal law.

The term "source of income" means only lawful sources from which income is derived. When used in this article this term shall not be deemed to preclude a good faith business decision by an owner, lessee, or sublessee of real property that an individual be denied access to housing due to his inability to meet the financial burdens attendant to the purchase, lease, or sublease of such housing accommodation.

The term "respondent" means the person alleged to have violated this article. It shall refer also to the person authorized to answer the complaint if that person is not the alleged violator.

1367.02 Discrimination in sale, lease or rental prohibited.

It shall be unlawful for any owner, lessee or sublessee of real property, or any agent or representative thereof, to refuse to sell, exchange, rent or lease any housing accommodation of any sort within the City because of an individual's religion, race, national origin, age, gender, sexual orientation or identity, familial status, handicap (disability), or source of income.

It shall also be unlawful for any owner, lessee or sublessee of real property, or any agent or representative thereof, to refuse to sell, exchange, rent or lease any housing accommodation of any sort within the City that violates Chapter 515 of the Maumee Codified Ordinances, section 4112.02 of the Ohio Revised Code or any other State or Federal law related to discrimination in the sale, rental, or lease of real property within the City of Maumee.

1367.03 Discrimination in lending prohibited.

It shall be unlawful for any person to discriminate in the lending of money, guaranteeing of loans, accepting of mortgages, or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair, or maintenance of any housing

accommodation of any sort within the City because of an individual's religion, race, national origin, age, gender, sexual orientation or identity, familial status, handicap (disability), or source of income.

1367.04 Discrimination by real estate agent, broker, or employee prohibited.

It shall be unlawful for any real estate agent, broker, or employee of a real estate broker, to refuse to accept offers to purchase, offers to lease or any other proposed agreements with reference to the sale, exchange, or lease of real property because of an individual's religion, race, , national origin, age, gender, sexual orientation or identity, familial status, handicap (disability), or legal source of income.

1367.05 Discrimination in terms and privileges prohibited.

It shall be unlawful for any owner, lessee or sublessee of real property or any other person concerned with a real estate transaction to discriminate against an individual involved in such transaction because of that individual's religion, race, national origin, age, gender, gender identity, familial status, handicap (disability), or legal source of income.

1367.06 Publication indicating certain preferences prohibited.

It shall be unlawful for any person to publish, circulate, issue, display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign relating to the sale, rental, or lease of real property within the City indicating exclusion of or preference for any person or group of persons based upon religion, race, national origin, age, gender, sexual orientation or identity, familial status, handicap (disability), or legal source of income.

1367.07. False or substantially misleading statements prohibited.

It shall be unlawful for any person to present a false or substantially misleading statement knowingly or intentionally to authorities charged with enforcement of any portion of this code, or to sign a complaint for violation of this article, knowing that it is based upon false or substantially misleading information.

1367.08 Exclusions.

This article shall not apply to the:

(1) Rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or lessor resides in one (1) of the housing accommodations.

(2) Rental of a room in a single-family dwelling by the owner or lessor if he or an immediate member of his family resides therein. However, said owner/lessor and immediate family must submit a signed, sworn statement as to that relationship.

(3) Rental of a housing accommodation for a period of time not to exceed twelve (12) months by the owner or lessor where it was occupied and maintained as his/her principle home for at least three (3) months immediately prior to occupancy by the tenant and is temporarily vacated while being maintained as a legal residence.

(4)Restriction by a religious organization or institution of facilities for housing or accommodation, to persons of the denomination involved.

(5)Limitation of occupancy standards in a federally funded housing project or to the provision of federally funded public accommodations, assistance, or services to persons of low income, over fifty-five (55) years of age, or who are disabled. This provision does not exempt federally, or state funded housing structures or dwellings from registration and inspection.

(6)Limitation by an educational institution of the use of its facilities to those affiliated with such institution.

(7)Practice by the owner of an owner-occupied one- or two-family dwelling, housing accommodations, or public accommodation devoted entirely to the housing and accommodation of individuals of one (1) gender, to restrict occupancy and use of the facility on the basis of an individual's gender.

1367.09 Rules.

The City Law Director and City Administrator are hereby authorized to promulgate any rules and forms deemed necessary to implement the provisions of this article that conform to Maumee Codified Ordinances or Codes adopted thereunder.

1367.10 Penalties.

In addition to any penalties which may be imposed by State and Federal Law any person violating any of the provisions of this article and in addition to all other enforcement actions taken for a violation of Chapter 1367, a person who violates any provision of this Chapter of the Code is guilty of a minor misdemeanor for a first offense and misdemeanor of the first degree for any subsequent offenses.

CHAPTER 1368 NON-RESIDENTIAL BUILDINGS

1368.01 Findings and determination of necessity.

The City Council finds that there are non-residential buildings in the City which are poorly maintained or neglected by their owners. These buildings adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values. Many of these poorly maintained and neglected buildings have become so dilapidated that occupancy is no longer economically feasible. This increases the incidence of vandalism and fire. The City Council finds that the elimination and prevention of these conditions is necessary and is in the best interest of the City and its citizens.

1368.02 Purpose.

The purpose of Chapter 1368 is to maintain, preserve and improve the stock of non-residential buildings in the city. To accomplish this, this article sets out minimum standards for the exterior maintenance of all non-residential buildings. In carrying out this purpose, it is the intention of the City Council to exercise its full powers to protect public health, safety, and welfare, whether the powers so exercised are derived from the Constitution, state law or the City Charter.

1368.03 Interpretations.

All words and terms used in this Chapter shall be given their common and normal meaning unless defined hereinafter. The words and terms defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Chapter. All other words and provisions of this article shall be interpreted so as to eliminate or prevent the conditions set out in findings and determinations of necessity.

1368.04. General usage.

Unless the context clearly indicates otherwise, when words are used in this Chapter, the following rules of construction shall apply:

The singular includes and shall apply to the plural, and the plural applies to and includes the singular.

The masculine gender shall include the feminine and neuter, and feminine and neuter shall include the masculine.

Where the text uses the negative of a defined word, the negative of the definition shall be applied.

The definition of a verb or a noun shall be used in an appropriate fashion where the adverbial or adjectival form of the word is used.

1368.04. Definitions.

The following words, terms, and phrases, when used in this Chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Basic structural elements mean the parts of a building which provide the principal strength, stability, integrity, shape, and safety of the building, including, but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Building means any structure upon a property, presently or formerly used, or intended to be used in whole or in part for the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage or other non-residential purpose.

City means the municipal corporation that is the City of Maumee and includes all authorized agents of the City of Maumee, when acting within the scope of their authority.

Court means a court of competent jurisdiction.

Deteriorate means to decay, decompose, or degenerate.

Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, vermin ingestion, infestation, or destruction.

Emergency means a condition of imminent danger calling for immediate action in order to avoid death, injury, or illness to a human or the destruction or severe damaging of real or personal property.

Garbage means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, waste building materials, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered. This definition is not meant to preclude the composting of yard waste in an appropriate container as approved by the Chief Building Official.

Good repair means to be professionally installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

Good workmanship means executed in a skillful manner such as generally plumb, level, square, in line, undamaged, without marring adjacent work, utilizing as close to identical material as possible, and finished to a completed state. Alternative methods and materials must be approved by the Chief Building Official or his or her designee.

Non-residential means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space, or sleeping space for one (1) or more human beings, either permanently or transiently.

Owner or ownership means any person, trustee, or other entity holding legal or equitable title to a property or to real improvements upon a property, solely, jointly, by the entirety, in common, or as land contract vendee. Owner shall also mean any person who in fact has been empowered to act on behalf of, or as the agent of the owner. Owner shall also mean a person who *has* or exercises care, custody, dominion, or control over any property. Owner shall not include any person who is a tenant.

Person means a human individual, as an association of individuals, a public, private or not-for-profit corporation, an LLC or partnership.

Premises means property.

Property means any lot or parcel of land inclusive of any building or improvements located thereon.

Regular mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular mail shall also include postcards and postal cards.

Responsible person means an owner, or a person or persons designated in this article as being responsible for meeting the standards of this article.

Sanitary means free of grease, excrement, dirt, food residue, garbage, rust, or similar matter which can harbor bacteria unsafe to humans or animals, or which produces strong odors, or which provides for, or is an available source of food for, animals or insects.

Structure means anything constructed or placed upon a property which is supported by the ground, or which is supported by any other structure, except a currently licensed vehicle.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to plaster, paper, wrappings, plant cuttings, household furnishings, building materials, packing, and clothing, appliances, equipment, machinery, or parts thereof.

Unsafe means a condition which is reasonably likely to do harm to humans or property if not corrected or stopped.

Vermin means rodents, birds and insects which are destructive of real or personal property or injurious to health.

1368.05 Applicability.

The provisions of this Chapter shall apply to any person owning, occupying, managing, or controlling any non-residential building in the City as identified by this Chapter.

1368.06 Property maintenance required.

All buildings regulated by this Chapter, whether occupied or unoccupied, and all property on which the buildings are located shall meet or exceed the standards of this Chapter and the Maumee building codes.

1368.07 Structural integrity.

Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.

1368.08 Exterior surfaces.

All exterior finish surfaces shall be weatherproof and in good repair and shall not have any holes, cracks or deterioration which allow water or vermin to reach any basic structural element or to enter the interior of any building.

1368.09 Protection of exterior surfaces.

All exterior surfaces of a building or structure made of iron, wood, steel, masonry, or other materials which may deteriorate from exposure to weather shall be protected from the weather by a properly applied weather-resistant paint, stain, or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating. Exterior surfaces shall comply with City Architectural Standards

1368.10 Exterior windows and doors.

All exterior windows and doors shall be weatherproof and in good repair or shall be secured against weather by temporary boarding. If required, the boarding shall be one-half (1/2) inch CDX plywood cut to fit the window or door casing, painted to match the exterior, and secured with a minimum of one and one-quarter (1.25) inch galvanized screws located at the corners and spaced every seven (7) inches around the perimeter of the boarding. Said boarding shall only be temporary for a period not to exceed (60) days while repairs are made. All requirements of this section are subject to city architectural standards.

1368.11. Exterior attachments.

Exterior attachments to basic structural elements, including but not limited to gutters, downspouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails, and utility connections shall be in good repair, and shall comply with all other provisions of the Maumee City Code.

1368.12. Accessory improvements.

All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, and antennae shall be in good repair and shall comply with all other provisions of the Maumee City Code.

1368.13 Outdoor storage.

Outdoor storage of materials of value shall not be permitted to be located between the street and the building and not closer than three (3) feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered. Outdoor storage regulations in the Maumee Codified Ordinance also apply to non-residential buildings about and shall not have openings nor be stacked in a manner which may provide harborage for vermin. Properties in the City of Maumee are subject to zoning requirements that may exclude outdoor storage up to and including vehicle appurtenances thereto.

1368.14. Trees and shrubs.

No tree or shrub shall be allowed to damage a building or block safe vision or access to a sidewalk, drive, or street. No dead tree shall be permitted on any property regulated by this article. All landscaping changes to a property must be approved by the city's Zoning Manager.

1368.15 Health and sanitation.

All exterior areas shall be sanitary and free of trash and garbage.

1368.16. Tenant responsibility for maintenance.

A tenant shall be responsible for maintaining the health, sanitation, and storage standards of this division on that portion of the premises controlled exclusively by the tenant.

1368.17 Owner responsibility for maintenance.

The owner of a building shall be responsible for complying with the maintenance standards set forth in this article.

1368.18 Good workmanship.

Additions, replacements, repairs, or changes made to buildings, accessory buildings, appurtenances, or facilities regulated by this article shall be made with good workmanship and in accordance with Maumee and State Codes.

1368.19 Exterior security lighting.

An exterior light fixture in good repair shall be provided adjacent to each entryway and exit located at the side or rear of a building having electrical service. Such light fixture shall

illuminate between dusk to dawn daily and shall comply with all City standards and codes.

1368.20 Street address visible.

Street addresses shall be provided for any building regulated by this article so as to identify the building from an adjacent public street or alleyway and in accordance with the Maumee City Code.

1368.21 Vacant building identification.

The owner of any vacant property herein covered by this code shall provide the city with the name and phone number of the property owner or other responsible person to be contacted regarding maintenance or an emergency.

1368.22. Inspections authorized.

The standards of this Chapter shall be applied to all non-residential buildings including, but not limited to, primary structures, accessory structures, yards, unsafe buildings, and buildings with advanced deterioration.

1368.23. Applicability.

The provisions of this Chapter shall apply to all non-residential buildings and properties located within the City of Maumee. In the event of a conflict with the Ohio Building Code or Ohio Fire Code as adopted by Maumee; these state codes shall apply if they are more restrictive.

1368.24 Enforcement process.

In enforcement of the standards of this chapter, the City shall utilize the methods and procedures established in the Maumee City Code, and all rules, regulations, policies, and procedures adopted pursuant thereto. Non-Residential Buildings are not required to register and/or be inspected on a consistent basis as with Non-Owner-Occupied Residential Dwellings. However, Inspectors are still authorized to inspect said premises if it appears or is reported that a blighted, structural, or violated code condition may exist.

1368.25. Fees.

Inspection fees, applicable late fees as well as any other charges in connection with vacant property inspection shall be established by the City Administrator. The City Administrator is hereby authorized and directed to calculate and charge on a fully allocated hourly rate and/or a fixed, graduated rate which shall generally reduce as the number of units within a structure increase and shall cover the cost of said program. All fees and charges shall be placed in a Non-Residential Housing Code Enforcement Fund. No part of the funds held in the Non-Residential Housing Code Enforcement Fund may be transferred to the general operating fund for any purpose.

1368.26 Inspection entry authorized.

When an emergency is believed to exist within a building or accessory building, the City shall have the right to enter immediately and at any time without a warrant or without requesting

permission. Entry must be for the sole purpose of determining that an emergency exists or to abate an emergency condition known to exist.

In a non-emergency situation the code official shall first make reasonable effort to locate the tenant, owner, or owner's authorized agent or other person having charge or control of the structure or premises and request entry. Where the owner and/or occupant denies access, a warrant for inspection of the premises shall be sought. The Director of Public Safety, Chief Building Official, Chief of Police, or Fire Official shall obtain a warrant from a court of competent jurisdiction according to applicable law. In a non-emergency situation prior to obtaining a warrant, the property owner and/or occupant shall be afforded the opportunity for pre-compliance review as to the need for an inspection before a neutral decision maker according to law.

1368.27 Change in ownership.

The prohibitions contained in this Code shall be applicable to owners or responsible persons of properties regulated by this chapter.

1368.28 Removal of posted sign or notices.

It shall be a violation of this chapter to remove, damage, deface, interfere with, move, or conceal any notice or sign posted in accordance with the provision of this article without first obtaining written permission of the Chief Building Official.

1368.29. Penalties.

In addition to all other enforcement actions taken for a violation of sections 1368.06 through 1368.21, a person in violation of sections 1368.06 through 1368.21 of this Chapter shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree for each subsequent offense and subject to fines and costs. Each day of violation of a provision of this code relating to the physical condition of any non-residential building is a separate violation. The Court shall suspend any jail term of any person in violation of these Chapters who complies with the charged code requirements within thirty days of receipt of a citation and where that person has no prior violations of this Chapter, but fines and penalties cannot be waived.

City Administration shall be responsible for promulgating all other schedules of fees, late fees and/or other civil sanctions necessary to implement and enforce the provisions of this article.

The appeal provisions set forth in 1361.19 shall apply to notices of violations received as a result of an inspection but shall not apply to criminal charges which are filed.

1368.30 Savings provision.

The invalidity of any section, clause, or provision in this code shall not affect the validity of any other part of this article or chapter which may be given effect without reliance upon any such invalid part or parts.