**Part 14: Building and Housing Code**

**Title Two: Building Standards**

Chapter 1420: Ohio Basic Building Code

**§ 1420.01 CODES ADOPTED.**

There is hereby adopted, for the purpose of establishing rules and regulations for the location, design, materials, construction, repair, equipment, use, occupancy, maintenance, removal and demolition of all structures, except insofar as such matters are otherwise specifically provided for in any other applicable law or ordinance those certain codes known as the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Ohio Department of Commerce as published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC), as the same may be amended from time to time.

**§ 1420.02 COMPLIANCE; VIOLATIONS.**

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the OBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, R.C. Chs. 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(R.C. §§ 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, R.C. Chs. 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(R.C. §§ 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the OBBC is applicable without complying with this chapter and the plan and specification submission and processing requirements of the village and/or the OBBC and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin.

(R.C. § 3791.04)

**§ 1420.99 PENALTY; EQUITABLE REMEDIES.**

1. Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the OBBC adopted in § [1420.01](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-13963#JD_1420.01), is guilty of a misdemeanor of the third degree for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
2. The application of the penalty provided in division (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy.

Chapter 1422: OBOA One-, Two- and Three-Family Dwelling Code

**§ 1422.01 CODE ADOPTED.**

To regulate the erection, construction, repair, alteration and maintenance of residential dwellings, the “Residential Code of Ohio for One-, Two-, and Three-Family Dwellings” as adopted by the Ohio Board of Building Standards pursuant to R.C. § 3781.10 shall apply and be enforced within the village. It is adopted by reference and made a part of the Building Code of the village as if fully set forth herein.

(Ord. 01-2011, passed 3-14-2011)

**§ 1422.02 APPEAL.**

 Any party aggrieved by an order, decision, or determination of the Building Official may appeal that decision to the Ohio Board of Building Appeals.(Ord. 01-2011, passed 3-14-2011)

**§ 1422.03 CONFLICT OF LAWS.**

Whenever any provision of the Building Code conflicts with or is inconsistent with the provisions of model codes adopted by reference herein, the more restrictive provision shall apply.

(Ord. 01-2011, passed 3-14-2011)

**§ 1422.99 PENALTY.**

Any person or entity that violates or fails to comply with any provision of this chapter for which no other penalty has been provided, or fails to comply with an order or regulation made hereunder, or builds in violation of a building permit or certificate issued hereunder, shall be guilty of a misdemeanor of the fourth degree for each and every violation and noncompliance. A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The imposition of a penalty shall not excuse the violation or permit it to continue, and the application of such penalty shall not be held to prevent the enforced removal or prohibited conditions.

(Ord. 01-2011, passed 3-14-2011)

**Title 4: Building Administration**

Chapter 1440: Administration Generally [Need to update language to refer back to the ORC and then to our Building Department of Record]

**§**

**§ 1442.06 DEVELOPMENTS IN FLOOD-PRONE AREAS.**

1. Permits Required.  The Village does not have its own permitting process for developments in flood-prone areas. However, all residents and developers are required to obtain all necessary federal, state, and county permits for such development.

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Chapter 1446: Residential and Commercial Building Department

**§ 1446.01 ESTABLISHED.**

The Village’s Residential Building Department of Record is hereby established as INSERT OFFICIAL BODY

The Village’s Commercial Building Department of Record is hereby established as INSERT OFFICIAL BODY.

(Ord. 12-2007, passed 6-11-2007)

**§ 1446.02 AUTHORITY.**

The Village’s Residential Building Department shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the certification approved by and certification rule adopted by the Ohio Board of Building Standards.

(Ord. 12-2007, passed 6-11-2007)

 [Move relevant standards to 1272]Chapter 1477: Uses of Rights-of-Way

**§ 1477.01 PURPOSE; SCOPE.**

1. The purpose of this chapter is to provide requirements for the use or occupation of any and all rights-of-way in the village, the issuance of permits to persons for such use or occupancy, and to set forth the policies of the village relating thereto.
2. This chapter does not take the place of any franchise, license or permit which may be additionally required by law. Each permittee shall obtain any and all such additional franchises, licenses or permits necessary to the operation and conduct of its business.
3. No person shall use, occupy, own or operate facilities in, under or over any rights-of-way within the village unless such person first obtains a franchise and/or permit conforming to the requirements set forth therein and in this chapter.
4. The policy of the village with regard to rights-of-way is hereby declared to be:
5. To promote public safety and protect public property;
6. To promote the utilization of rights-of-way for the public health, safety and welfare and to promote economic development in the village;
7. To promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the village’s citizens and taxpayers at reasonable rates;
8. To promote cooperation among the village and the franchisees and permittees in the occupation of rights-of-way, and work therein, in order to minimize public inconvenience during work in the rights-of-way and avoid uneconomic, unneeded and unsightly duplication of facilities;
9. To ensure adequate public compensation for the regulation of the private use of the rights- of-way and regulation thereof; and
10. To promote and require reasonable accommodation of all uses of the rights-of-way and to establish the following priority of use of the rights-of-way, when all requested usage of the rights-of-way by permittees cannot be accommodated:
11. Use by the village shall have first priority;
12. Use by another governmental entity with the village’s concurrence or other uses required by law, and utility permittees and franchisees shall have second priority;
13. Telecommunications permittees and franchisees shall have third priority;
14. Special permittees shall have fourth priority; and
15. Residential permittees shall have the fifth priority;
16. Provided, however, that the Mayor may reasonably require right-of-way permittees and franchisees to cooperate to accommodate use by other permittees and franchisees, and provided, further, that the Mayor may alter these priorities when the Mayor reasonably determines a deviation therefrom to be in the public interest.
17. Nothing in this chapter should be construed to apply the provisions of this chapter to facilities owned or operated by the village or any of its operations.
18. Unless otherwise specifically stated in a permit, all permits granted hereunder shall be non- exclusive.
19. This chapter shall have no effect on any existing permit until the expiration of same.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.02 DEFINITIONS.**

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this chapter. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

1. “Applicant.” Any person applying for a permit hereunder.
2. “Approved.” Approval by the village pursuant to this chapter or any regulations adopted hereunder.
3. “Best efforts.” The best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.
4. “Cable television service.” The one-way transmission to subscribers of video programming or any other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or any other programming service.
5. “Council.” The Council of the Village of Minerva Park.
6. “Emergency.” A reasonably unforeseen occurrence with the potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
7. “Force majeure.” A strike, acts of God, acts of public enemies, orders of any kind of the government of the United States of America or the State of Ohio or any of its departments, agencies or political subdivisions, riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such “force majeure”, and then for only so long as and to the extent that the “force majeure” prevents compliance or causes non compliance with the provisions hereof.
8. “Mayor.” The Mayor of Minerva Park or his or her Designee.
9. “Permit.” The non-exclusive grant of authority to use or occupy all or a portion of the village’s rights-of-way granted pursuant to this chapter.
10. “Permittee.” Any person issued a permit pursuant to this chapter to use or occupy all or a portion of the rights-of-way in accordance with the provisions of this chapter and said permit.
11. “Person.” Any natural person or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not-for-profit.
12. “Regulation.” Any rule adopted by and pursuant to the authority of this chapter.
13. “Residential related purposes.” Residential use of a right-of-way for mailboxes, decorative purposes, curb cuts, driveways, irrigation systems and other uses permitted in the right-of-way by ordinance.
14. “Right-of-way” or “rights-of-way.” The surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right-of-way now or hereafter held by the village which shall, within its proper use, entitle a permittee, in accordance with the terms hereof and any permit, to the use thereof for the purpose of installing or operating any facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any permit. “Right-of-way” shall also include publicly owned property, but only to the extent that the use or occupation thereof is specifically granted in a permit or by regulation.
15. “Right-of-way work permit.” A permit granted by the Director, authorizing actual physical work by a permittee in the right-of-way.
16. “Telecommunications.” The transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.03 TYPES OF PERMITS AND FRANCHISES.**

1. The following types of permits and franchises are available for the use of rights-of-way.
2. Cable Television Franchise.  A cable television franchise shall be granted to providers of cable television service. The specific terms and conditions of a cable television franchise shall be contained within such franchise. This chapter shall be applicable to such franchises to the extent specified within the franchise.
3. Telecommunications or Utility Permit.  A telecommunications or utility permit shall be granted to persons who desire and are granted authority to utilize rights-of-way to provide a public utility and/or telecommunications service, other than cable television service.
4. Special Permit.  A special permit shall be granted to persons for a specific, limited use of the rights-of-way or a specific portion thereof.
5. Residential Permit.  A residential permit shall be granted to an adjacent or proximate residential landowner to occupy or use a portion of the right-of-way for residential-related purposes.
6. All permits shall specify the use or uses for which such permits are granted and shall contain such other nondiscriminatory terms and conditions as are appropriate and as are set forth in this chapter or conditions negotiated and agreed to by the village and the permittee to provide for the public safety or welfare.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.04 PERMIT APPLICATION.**

1. Applications for cable television franchises shall be processed and granted or denied pursuant to [Chapter 808](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-9449#JD_Chapter808) of the Business Regulation and Taxation Code; provided, however, that a cable franchise shall only entitle the franchisee to utilize the rights-of-way for purposes directly relating to the provision of the cable television service. Any other right-of-way use by such franchisee shall require a separate permit, unless specifically contained in an existing franchise agreement.
2. Applicants for telecommunications or utility permits shall file an application therefor, in such form as the village may require, along with an application fee as established from time to time by Council. The Mayor shall determine if the application is in order and, if so, forward the application to Council to determine whether, in accordance with the criteria set forth in § [1477.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14428#JD_1477.05), the applicant should be granted a permit hereunder. Within 120 days after receiving a complete application, Council shall make a final determination as to whether or not such permit should be granted and, if so, upon what terms and conditions.
3. Applicants for special permits shall file an application therefor, in such form as the village requires, along with an application fee as established from time to time by Council. The Director shall determine if the application is in order and if the Mayor also finds, in accordance with the criteria set forth in § [1477.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14428#JD_1477.05), that the application should be granted, the Mayor shall grant such a permit.
4. Applicants for residential permits shall file an application therefor, in such form as the village requires, along with an application fee as established from time to time by Council. The Mayor shall determine if the application is in order and, if so, shall grant the application so long as the Mayor also finds, in accordance with the criteria set forth in § [1477.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14428#JD_1477.05), that the application should be granted. Residential permits shall be valid until canceled by the Mayor upon 60 days’ written notice to the permittee; provided, however, that upon a finding by the Mayor that an emergency exists, the Mayor may cancel such permit upon such lesser notice as is necessary under the circumstances.
5. Any applicant may appeal the failure of the Mayor to grant a permit or to recommend it to be granted upon terms and conditions acceptable to the applicant. In order to perfect such appeal, the applicant shall file, within ten days of the Mayor’s determination or recommendation, or within 90 days of the filing of the application if the Mayor has taken no action, no appeal to Council. Council shall then review the matter after affording the applicant an opportunity to be heard, either in person or in writing. Except to the extent otherwise appealable by law, Council’s decision shall be final.
6. A permittee that desires to renew its permit under this chapter shall, not more than 180 days nor less than 90 days before expiration of the current permit, file an application with the village for renewal of its permit, which shall include the information required in the original application. Within 90 days after receiving a complete application under this section, the village shall issue a written determination granting or denying the renewal application, in whole or in part, applying the criteria set forth in § [1477.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14428#JD_1477.05). If the renewal application is denied, the written determination shall include the reasons for non-renewal. No permit shall be renewed until any ongoing violations or defaults in the permittee’s performance of the permit, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the permittee has been approved by the village.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.05 CRITERIA FOR GRANTING PERMITS.**

1. Cable television franchises shall be granted pursuant to [Chapter 808](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-9449#JD_Chapter808) of the Business Regulation and Taxation Code.
2. Telecommunications, utility and special permits shall be granted, or renewed, to persons based upon a determination by the village that the following criteria are met:
3. The granting or renewal of the permit will contribute to the public health, safety or welfare in the village;
4. The granting or renewal of the permit will be consistent with the policy of the village as set forth in § [1477.01](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14372#JD_1477.01);
5. The applicant has and will continue to have liability insurance which names the village as an additional insured, in effect in such amounts and for such liability as the village may require, or will be self-insured pursuant to the terms of this chapter;
6. The applicant is a proper person to hold a permit and will fulfill all of its obligations hereunder;
7. The applicant possesses sufficient financial and technical ability;
8. The application complies with applicable federal, state and local telecommunications laws, rules and policies; and
9. For permit renewals, that the rights-of-way possess a continuing capacity to accommodate the applicant’s existing facilities; the applicant’s compliance with the requirements of this chapter and the permit provisions; and such other factors as may demonstrate that the continued grant to use the rights-of-way will serve the community interest.
10. Residential permits shall be granted if not inconsistent with the public health, safety and welfare.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.06 TERMS OF PERMITS.**

1. Telecommunications and utility permits shall be granted for a term not to exceed ten years.
2. The terms of special permits shall be determined by the Mayor, but shall in no event exceed ten years.
3. Residential permits shall be granted for an indefinite period, but shall be cancelable by the village upon 60 days’ written notice.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.07 OBLIGATIONS OF PERMITTEES.**

1. In addition to the other requirements set forth herein, each telecommunications and/or utility and special permittee shall:
2. Use its best efforts to cooperate with other franchisees and permittees and the village for the best, most efficient, most aesthetic and least obtrusive use of the rights-of-way, consistent with public safety, and to minimize traffic and other disruptions, including street cuts;
3. Participate in joint planning and advance notification of right-of-way work, except such work performed in emergencies or other exigent circumstances;
4. Cooperate with other nonresidential permittees and franchisees in the utilization of, construction in, and occupancy of, private rights-of-way, but only to the extent that the same is not inconsistent with the grant thereof or state or federal law;
5. Upon written notice by, and at the direction of, the Director, and at the permittees sole cost, promptly remove or rearrange facilities as necessary, e.g., during any construction, repair or modification of any street, sidewalk, village utility or other governmental use, or if additional or subsequent village or other public uses of the rights-of-way are inconsistent with then current uses of franchisees and permittees or for any other reasonable cause as determined by the Mayor;
6. Provide maps or other information in such form (including digital form) and at such times as the village may reasonably require. Said maps and information shall locate, describe and identify all structures and facilities of such permittee, including pole attachments, above and in the rights-of-way;
7. Perform all work, construction, maintenance or removal of structures and facilities within the rights-of-way in accordance with good engineering and construction practices, including any appropriate safety codes, and in accordance with the best efforts to repair and replace any street, curb or other portion of the right-of-way, or facilities or structures located therein, to a condition materially equivalent to this condition prior to such work, and to do so in a manner which minimizes inconvenience to the public, the village and other franchisees and permittees, all in accordance with all applicable regulations;
8. Register with all appropriate underground reporting services;
9. Unless otherwise set forth in a permit, not enter into leases or other agreements for physical space, in or on the permittee’s facilities located within the rights-of-way, without prior notice to the Mayor, to include a general description of the uses to be made of the rights-of-way;
10. Designate a single point of contact for all activities relating to the permit in the village; and
11. Ensure subcontractor compliance with all permit provisions.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.08 PERMIT FEES.**

Permit fees shall be as established from time to time by Council.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.09 CONSTRUCTION AND TECHNICAL STANDARDS.**

1. Upon the granting of a permit and in order to construct, operate and maintain a telecommunications system or utility in the village, the permittee may enter into contracts with any public utility company or any other owner or lessee of any poles or underground facilities located within or without the village; obtain right-of-way permits from appropriate village, state, county and federal officials necessary to cross or otherwise use highways or roads under their respective jurisdiction; obtain permission from the Federal Aviation Administration to erect and maintain antennas; and obtain whatever other permits a village, county, state or federal agency may require.
2. In those areas of the village where telephone and electric services are provided by underground facilities, all new facilities of a permittee shall be placed underground. In all other areas, the permittee, upon request by the village, shall use its best efforts to place facilities underground. However, the term “facilities”, as used in the preceding sentence, shall not include equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities (e.g., splice and terminal pedestals, equipment cabinets and transformers). Where not otherwise required to be placed underground by this chapter, the permittee’s system shall be located underground at the request of the adjacent property owner, provided the placement of such system shall be consistent with the permittee’s construction and operating standards, and provided, further, that the excess cost over the aerial location shall be borne by the property owner making the request. All cable to be installed under the roadway shall be installed in conduit. Under no circumstance shall a new pole be located in any area of the village, where it is not replacing an existing pole, without written approval of the Director, which approval shall not be unreasonably withheld.
3. A permittee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements and FCC technical standards, which standards are incorporated herein by reference.
4. The permittee shall comply with the village’s normal permitting process prior to commencing any work in the rights-of-way, except for emergencies and as otherwise provided in this chapter. No work in the rights-of-way shall be commenced until such time as any and all required permits have been issued by the village. The village shall not unreasonably withhold the granting of any permit.
5. Any contractor proposed for performing the work of construction, installation, operation, maintenance and repair of system equipment must be properly licensed under the laws of the state and all local ordinances. The contractor’s or permittee’s system and associated equipment erected by the permittee within the village shall be so located as to cause minimal interference with the proper use of streets, alleys and other public ways and places, and to cause minimal interference with the rights and reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places. No pole or other fixture placed in any public way by the permittee shall be placed in such a manner as to interfere with normal travel on such public way.
6. The village does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In the rights-of-way, where necessary, the location shall be verified by excavation.
7. Construction, installation, operation and maintenance of a utility or telecommunications system shall be performed in an orderly and workmanlike manner. When consistent with the safety codes and standards set forth in this chapter, all cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple configurations shall be arranged in parallel and bundled with due respect for engineering considerations.
8. The permittee shall at all times comply with the applicable National Electrical Safety Code (National Bureau of Standards); the applicable National Electrical Code (National Fire Protection Association); applicable FCC or other federal, state and local regulations; and standards as set forth in the permit.
9. In any event, the system shall not endanger or interfere with the safety of persons or property in the permit area or other areas where the permittee may have equipment located.
10. All worker facilities, conditions and procedures that are used during construction, installation, operation and maintenance of the utility or telecommunications system shall comply with applicable standards of the Federal Occupational Safety and Health Administration.
11. The permittee shall provide either a performance record (or self bonding by the permittee having capitalization in excess of $50,000,000 as determined by the Director), an irrevocable letter of credit acceptable to the village, or a certified check in an amount determined by the Mayor, to pay the cost of restoration of the right-of-way should the permittee fail to perform restoration required by this chapter or the permit or to pay for the cost of removal or relocation of the system required by this chapter should the permittee fail to perform said removal or relocation.
12. All permittees shall obtain a right-of-way work permit from the Director prior to beginning the erection, installation or maintenance, including tree trimming, of any lines or equipment. Prior village approval shall not be required for emergency repairs, routine maintenance and repairs, operations which do not require excavation in the rights-of-way, blockage of any street or alley, or material disruption to any landscaping or structures and/or irrigation systems. The permittee and/or its subcontractors shall leave rights-of-way where such work is done in as good a condition or repair as they were before such work was commenced and to the reasonable satisfaction of the village. Such right-of-way work permit shall be issued in writing and is subject to conditions that may be attached by the Director, including, but not limited to, requirements concerning traffic control, safety, scheduling, notification to adjoining property owners, and restoration with seed, sod or specific plant materials as directed by the village. The permittee and/or its subcontractors shall endeavor to complete, in a timely manner, repairs to the rights- of-way. All workmanship and materials used by the permittee and/or its subcontractors to repair the streets and roadways shall be subject to the inspection and approval of the Director or his or her authorized agent and shall be warranted for a period of one year from the date of completion for any failure due to workmanship or quality of materials.
13. The permittee shall furnish the village “as built” drawings not later than 120 days after construction has been completed. Drawings shall show ownership of conduits, ducts, poles and cables used for the telecommunications or utility system. Drawings shall be drawn to a scale of one inch equals 100 feet using the standard format adopted by the village. The permittee shall provide one set of such diskettes and one set of blue or black line “as built” drawings to the Mayor, and one set of drawings and diskettes to the Village Engineer. State plane coordinates shall be shown for benchmarks, curb lines and structures. Drawings shall show horizontal dimensions from the curb line and elevations.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.10 USE OF FACILITIES BY VILLAGE.**

1. The village shall have the option to request the right to install and maintain, free of charge, upon any poles and within any underground pipes and conduits or like facilities of any telecommunication and utility or special permittee, communications facilities (“village facilities”) solely for governmental use desired by the village unless:
2. Such installation and maintenance unreasonably and materially interferes with existing and future operations of the permittees; or
3. Such installation and maintenance would be unduly burdensome to such permittee. Each permittee shall cooperate with the village in the planning and design of its facilities so as to accommodate the village’s reasonably disclosed governmental requirements. Neither the village facilities nor the capacity or bandwidth thereon shall be leased, licensed or otherwise made available to third parties. The village’s use and occupancy of a permittee’s conduit shall be limited to the right to occupy a single inner duct in any given conduit and a single attachment to any given pole.
4. The village’s right to use and occupy a permittee’s poles or conduit shall be subject to any and all reasonable terms and conditions the permittee requires of other third party users of its poles and conduit. The village shall pay the permittee the reasonable cost to make the poles or conduit ready for the village’s use and occupancy. Nothing herein shall be construed to require a permittee to construct poles or conduits where none exist or to rearrange, modify or alter its facilities on a pole or conduit in order to provide space for village facilities where space is not otherwise available.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.11 INDEMNIFICATION AND INSURANCE.**

1. To the fullest extent permitted by law, all permittees shall, at their sole cost and expense, fully indemnify, defend and hold harmless the village, its officers, public officials, boards, commissions, agents and employees, from and against any and all lawsuits, claims (including, without limitation, worker’s compensation claims against the village or others), causes of actions, actions, liability and judgments for injury or damage (including, but not limited to, expenses for reasonable legal fees and disbursements assumed by the village in connection therewith):
2. To persons or property, in any way arising out of or through the acts or omissions of the permittee, its subcontractors, agents or employees, attributable to the occupation by the permittee of the right-of-way, to which the permittee’s negligence shall in any way contribute, and regardless of whether the village’s negligence or the negligence of any other party shall have contributed to such claim, cause of action, judgment, injury or damage;
3. Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation, or for the violation or infringement of any copyright, trademark, trade name, service mark or patent or any other right of any person, firm or corporation by the permittee, but excluding claims arising out of or relating to village programming; and
4. Arising out of the permittee’s failure to comply with the provisions of any federal, state or local statute, ordinances or regulations applicable to the permittee in its business hereunder.
5. The foregoing indemnification is conditioned upon the village:
6. Giving the permittee prompt notice of any claim or the commencement of any action, suit or proceeding for which indemnification is sought;
7. Affording the permittee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding subject to indemnification; and
8. Fully cooperating in the defense of such claim and making available to the permittee all pertinent information under the village’s control.
9. The village shall have the right to employ separate counsel in any such action or proceeding and to participate in the investigation and defense thereof, and the permittee shall pay the reasonable fees and expense of such separate counsel, if employed with the approval and consent of the permittee, or if representation of both the permittee and the village by the same attorney would be inconsistent with accepted canons of professional ethics.
10. Each permittee shall maintain insurance coverage (or self-insurance coverage by a permittee having capitalization in excess of $50,000,000, as determined by the Mayor) in accordance with the following.
11. General Liability Insurance.
12. The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically agrees that it will maintain, throughout the term of the permit, general liability insurance insuring the permittee in the minimum amount of:
13. One million dollars per occurrence;
14. Two million dollars annual aggregate; and
15. One million dollars excess general liability per occurrence and annual aggregate.
16. Such general liability insurance must be written on a comprehensive coverage form, including the following: premises/operations; explosion and collapse hazard; underground hazard; products/completed operations hazard; contractual insurance; broad form property damage and personal injury.
17. Automobile Liability Insurance.  The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically agrees that it will maintain, throughout the term of the permit, automobile liability insurance for owned, non-owned or rented vehicles in the minimum amount of:
18. One million dollars per occurrence; and
19. One million dollars excess automobile liability per occurrence.
20. Worker’s Compensation and Employer’s Liability Insurance.  The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically agrees that it will maintain, throughout the term of the franchise, worker’s compensation and employer’s liability insurance, valid in the State of Ohio, in the minimum amount of:
21. Statutory limit for worker’s compensation;
22. One million dollars for employer’s liability per occurrence; and
23. One million dollars excess employer liability.
24. The liability insurance policies required by this section shall be maintained by the permittee throughout the term of the permit, and such other period of time during which the permittee is operating without a permit hereunder or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be cancelled nor the intention not to renew be stated until 90 days after receipt by the village, by registered mail, of a written notice addressed to the Mayor of such intent to cancel or not to renew. Within 60 days after receipt by the village of said notice, and in no event later than 30 days prior to said cancellation, the permittee shall obtain and furnish to the village replacement insurance policies meeting the requirements of this section.”

(Ord. 6-97, passed 7-14-1997)

**§ 1477.12 REMOVAL OF FACILITIES.**

1. In the event any nonresidential permittee intends to remove facilities, excluding normal repairs and maintenance, or abandon any facilities within the rights-of-way, such permittee shall submit a notice to the Mayor describing the portion of the facilities to be removed or abandoned and the date of removal or abandonment, which date shall not be less than 30 days from the date such notice is submitted to the Mayor. The permittee may not remove, destroy or permanently disable any such facilities after such notice without the written approval of the Mayor. The permittee shall remove and secure such facilities as set forth in the notice unless directed by the Mayor to abandon such facilities in place.
2. Upon such abandonment, the village may elect to accept title to the abandoned facility. Such acceptance shall be in writing and upon such acceptance, full title and ownership of such abandoned facility shall pass to the village without the need to pay compensation to the permittee. The permittee shall, however, continue to be responsible for all taxes on such facilities or other liability associated therewith, until the date the same was accepted by the village.
3. Within 30 days following written notice from the village, any permittee or other person that owns, controls or maintains any unauthorized telecommunications facility or related appurtenances within the rights-of-way of the village shall, at its own expense, remove such facilities or appurtenances from the rights-of-way of the village. A telecommunications facility is unauthorized and subject to removal in the following circumstances:
4. Upon expiration or termination of the permittee’s permit;
5. Upon abandonment of a facility within the rights-of-way of the village;
6. If the system or facility was constructed or installed without the prior grant of a permit or franchise;
7. If the system or facility was constructed or installed without the prior issuance of a required construction permit; and
8. If the system or facility was constructed or installed at a location not permitted by the permittee’s permit.
9. The village retains the right and privilege to cut or move any telecommunications facilities located within the rights-of-way as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency.
10. Unless directly and proximately caused by willful, intentional or malicious acts by the village, the village shall not be liable for any damage to or loss of any telecommunications facility within the rights-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling or work of any kind in the rights-of-way by or on behalf of the village.
11. When a residential permit is cancelled, the permittee shall remove all facilities installed in the right-of-way, at the permittee’s expense.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.13 PERMIT REVOCATION.**

1. In addition to any rights set out elsewhere in this chapter, the village reserves the right to seek termination of a permit pursuant to the provisions hereof, and all rights and privileges pertaining thereto, in the event that any of the following are found to have occurred:
2. A violation of any material provision of the permit;
3. The permittee becomes insolvent, or is adjudged a bankrupt;
4. An unauthorized sale, assignment or transfer of the permittee’s permit or a substantial interest therein;
5. Misrepresentation by or on behalf of a permittee in any application to the village;
6. Abandonment of telecommunications facilities in the rights-of-way;
7. Failure to relocate or remove facilities as required in this chapter; or
8. Failure to pay taxes, compensation, fees or costs when and as due the village.
9. Upon failure of the permittee to comply with the material terms of the permit, the village may by ordinance terminate the permit in accordance with the procedures set forth in this section. Upon termination, all rights of the permittee shall immediately be divested without further act upon the part of the village. At the village’s option and to the extent permitted or in the manner required by applicable state law, the village shall either purchase the permittee’s facilities in accordance with § [1477.12](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14508#JD_1477.12) or the village shall require or seek to require, as the case may be, the permittee to remove its facilities from the rights-of-way. If the village requires removal, the permittee shall forthwith remove its structures or property from the rights-of-way and restore them to such condition as the village may require. Upon failure to do so, the village may perform the work and collect the cost thereof from the permittee. The cost thereof shall be a lien upon all facilities and property of the permittee. Such lien shall not attach to property of the permittee located on the poles of other utilities until removal of such property from the pole or poles.
10. (1) Upon written recommendation by the Director, or upon its own motion, Council shall give written notice to the permittee of the existence of a material violation or failure to comply with the permit. The permittee shall have a period of 60 days after receipt of such notice from the village in which to cease such violation and comply with the terms and provisions hereof. In the event the permittee fails to cease such violation or to otherwise comply with the terms hereof, then the permittee’s permit is subject to termination under the following provisions, provided, however, that if the permittee commences work or other efforts to cure such violations within 30 days after receipt of written notice and shall thereafter prosecute each curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the permit will not be terminated. If the curative work is not completed within 90 days of commencement of such work, the permittee and the Mayor shall report to the village with respect to the progress made on such curative work and the anticipated completion date.
11. Termination shall be declared only by a written decision of Council after an appropriate public proceeding whereby the permittee is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. The permittee shall be provided at least ten days’ prior written notice of any public hearing concerning the termination of the permit and, in addition, ten days’ notice by publication shall be given of the date, time and place of any public hearing to interested members of the public, which notice shall be paid for by the permittee.
12. Council, after a full public hearing, and upon finding a material violation or failure to comply, may, in its discretion, terminate the permit or impose a lesser penalty than termination of the permit, including, but not limited to, a penalty of up to $1,000 per day per violation, or excuse the violation or failure to comply upon a showing by the permittee of mitigating circumstances or upon a showing of good cause for said violation or failure to comply as may be determined by Council.
13. The village shall have the right to terminate the permit 120 days after the appointment of a receiver, or trustee, to take over and conduct the business of the permittee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of 120 day period or unless:
14. Within 120 days after his or her election or appointment, such receiver or trustee shall have fully complied with all the provisions of the permit and remedied all defaults thereunder; and
15. Such receiver or trustee, within said 120 days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of the permit.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.14 RESERVATION OF RIGHTS BY VILLAGE.**

1. Nothing in this chapter shall be construed to prevent the village from constructing, maintaining, repairing or relocating any village utility, communications or like facilities; grading, paving, maintaining, repairing, relocating or altering any street or right-of-way; or constructing, maintaining, relocating or repairing any sidewalk or other public work or improvement.
2. Nothing in this chapter should be construed so as to grant any right or interest in any right-of- way, other than that explicitly set forth herein or in a permit.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.15 TEMPORARY REMOVAL OF FACILITIES.**

In the event it is necessary temporarily to move or remove any of the permittee’s wires, cable, poles or other facilities placed pursuant to this chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets of the village, upon five days’ written notice by the village to the permittee, the permittee shall, at the expense of the person requesting the temporary removal of such facilities, comply with the village’s request.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.16 PERMIT NON-TRANSFERABLE; EXCEPTION.**

A permit granted hereunder may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the permittee, by operation of law or otherwise, without the prior consent of the village, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance, and then only on such reasonable conditions as may be prescribed therein.  No transfer of a permit shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own a permit pursuant to this chapter. Unless otherwise provided in a permit, the permittee shall reimburse the village for all direct and indirect fees, costs and expenses reasonably incurred by the village in considering a request to transfer or assign a permit. Any transfer or assignment of a permit without prior approval of the village or pursuant to a permit shall be void and is cause for revocation of the permit.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.17 SEPARABILITY.**

If any section, division, sentence, clause, phrase or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part, by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

(Ord. 6-97, passed 7-14-1997)

**§ 1477.99 PENALTY; EQUITABLE REMEDIES.**

1. Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
2. Nothing in this chapter shall be construed as limiting any judicial remedies that the village may have, at law or in equity, for enforcement of this chapter.

Chapter 1478: Wireless Telecommunications Facilities

**§ 1478.01 PURPOSE; INTENT.**

The purpose of this chapter is to regulate the placement, construction and modification of towers and wireless telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the village. Specifically, the purposes of this chapter are to:

1. Direct the location of towers and wireless telecommunications facilities in the village;
2. Protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities;
3. Minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
4. Promote and encourage shared use/colocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
5. Avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed;
6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses; and
7. To the greatest extent feasible, ensure that proposed towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.02 APPLICATION OF CHAPTER.**

(a) All towers, antenna support structures and wireless telecommunications facilities, any portion of which are located within the village, are subject to this chapter.

1. Except as provided in this chapter, any use being made of an existing tower or antenna support structure on the effective date of this chapter, (hereinafter “nonconforming structures” shall be allowed to continue, even if such use is in conflict with the terms of this chapter. Any tower site that has received village approval in the form of either a special exception or building permit, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.03 DEFINITIONS.**

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

1. “Antenna support structure.” Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
2. “Applicant.” Any person that applies for a conditional use permit pursuant to § [1478.09](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14704#JD_1478.09).
3. “Application.” The process by which an applicant submits a request and indicates a desire to be granted a conditional use permit under the provisions of this chapter. An “application” includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the village concerning such a request.
4. “Code.” The codified ordinances of the village.
5. “Colocation.” The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
6. “Council.” The Village Council.
7. “Emergency.” A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
8. “Engineer.” Any engineer license by the State of Ohio.
9. “Equipment shelter.” The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
10. “FCC.” The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
11. “Monopole.” A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
12. “Open space.” Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).
13. “Person.” Any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.
14. “Tower.” A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term “tower” shall not include amateur radio operators’ equipment, as licensed by the FCC.
15. “Viewshed.” The area surrounding a wireless telecommunications facility or antenna support structure, within which the facility or structure is visible from street level.
16. “Village.” The Village of Minerva Park, a municipal corporation, in the State of Ohio, acting by and through its Village Council.
17. “Wireless telecommunications facilities.” Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term shall not include:
18. Any satellite earth station antenna two meters or less in diameter, which is located in an area zoned industrial or commercial;
19. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
20. Antennas used by amateur radio operators.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.04 PERMITTED OR CONDITIONAL USES.**

Wireless telecommunications facilities are either permitted uses or conditional uses in a variety of zoning districts, contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction and reduction in the need for new towers.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.05 GENERAL REQUIREMENTS.**

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in §§ [1478.07](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14640#JD_1478.07) and [1478.08](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14671#JD_1478.08).

1. When the proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one inch equals 100 feet shall be submitted. This plot plan shall indicate all building uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
2. A diagram or map showing the viewshed of the proposed wireless telecommunications facilities or antenna support structure shall be provided.
3. Photosimulations of the proposed facility from affected residential properties and public rights- of-way at varying distances shall be provided.
4. The location of the tower and equipment shelter and antenna support structure shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplains, wetlands and steep slopes.
5. Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually, as determined by the Planning and Zoning Commission. No barbed or razor wire shall be permitted in residential neighborhoods. The village and colocators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
6. Buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning and Zoning Commission. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Planning and Zoning Commission.
7. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
8. Compliance with colocation requirements is required.
9. Any application to locate a wireless telecommunications facility on a building or structure that is listed on a historic register, or is in a historic district, shall be subject to review by the village’s Planning and Zoning Commission.
10. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). Except for tower or monopole structures, all appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
11. No advertising is permitted anywhere on the wireless telecommunications facility, with the exception of identification signage.
12. No tower under 150 feet shall be artificially lighted except to ensure safety or as required by the FAA.
13. “No Trespassing” signs shall be posted around the wireless telecommunications facility with a telephone number of who to contact in the event of an emergency.
14. Underground equipment shelters are encouraged in residential districts and may be requested by the Planning and Zoning Commission.
15. Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in compliance with the Ohio Basic Building Code.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.06 PERMITTED ANCILLARY USES ON STRUCTURES.**

Any wireless telecommunications facilities which are not attached to a tower shall be a permitted ancillary use to any commercial, industrial, professional, institutional or multi-family structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the village, provided that the person making such ancillary use files a written certification with the village establishing the following:

1. The total height of the antenna support structure and wireless telecommunications facilities do not exceed the structural height limitations of the FAA in the applicable zoning district under § [1274.07](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-13439#JD_1274.07);
2. The antenna support structure and wireless telecommunications facilities comply with the Ohio Basic Building Code;
3. Any wireless telecommunications facilities and their appurtenances, located on the roof of a building, are set back one foot from the edge of the roof, not including the penthouse, for each one foot in height of the wireless telecommunications facilities. However, this setback requirement shall not apply to antennas less than two inches in thickness, which are mounted to the sides of antenna support structures, but which do not protrude more than six inches from the side of such an antenna support structure. This requirement is subject to change by the Planning and Zoning Commission upon review of the photosimulation provided in compliance with § [1478.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14615#JD_1478.05)(b); and
4. The wireless telecommunications facilities will utilize camouflaging techniques or will be side- mounted to an antenna support structure in order that the wireless telecommunications facilities harmonize with the character and environment of the area in which they are located.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.07 NONRESIDENTIAL DISTRICTS.**

Wireless telecommunications facilities proposed for industrial, commercial and institutional districts are subject to the following conditions.

1. Sole Use on a Lot.  A wireless telecommunications facility is permitted as a sole use on a lot subject to the following.
2. Minimum Lot Size.  The minimum lot size for industrial, commercial and institutional districts shall be 10,000 square feet.
3. Minimum Yard Requirements.  Minimum yard requirements shall be as follows.
4. Tower.  The minimum distance to any single-family or two-family residential use or district lot line shall be 200 feet.
5. Equipment Shelter.  The minimum setback shall be 30 feet between the established building line and the street right-of-way. Side yards must be 18 feet or more, with a minimum of eight feet on one side, rear yards shall be 25% or more of the lot depth, except that a rear yard of more than 50 feet shall not be required.
6. Maximum Height.  The maximum height of a tower or an equipment shelter shall be as follows:
7. Tower:  200 feet (includes antenna); and
8. Equipment shelter: equipment shelters shall be not more than 35 feet in height.
9. Maximum Size of Equipment Shelter.  The maximum size of an equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
10. Combined with Another Use.  A wireless telecommunications facility is permitted on a property with an existing use, subject to the following conditions.
11. Existing or Future Use on the Property.  The existing or future use on the property may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or the value of a nonconforming use.
12. Fully-Automated Facility.  The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
13. Minimum Lot Area.  The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
14. Minimum Yard Requirements.  Minimum yard requirements shall be as follows.
15. Tower.  The minimum distance to any single-family or two-family residential use or district lot line shall be 200 feet.
16. Equipment Shelter.  Equipment shelters shall comply with the minimum setback requirements for the primary lot.
17. Service Access.  Service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
18. Maximum Height.  The maximum height of a tower or equipment shelter shall be as follows:
19. Tower:  200 feet (includes antenna); and
20. Equipment shelter:  the maximum building height in industrial, commercial and institutional districts shall be 35 feet.
21. Maximum Size of Equipment Shelter.  The maximum size of an equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
22. Combined with an Existing Structure.  Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building, subject to the following conditions.
23. Maximum Height.  The maximum height of an antenna shall be 20 feet, or 20% of the building height above the existing building or structure, whichever is greater.
24. Separate Shelters.  If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following.
25. The shelter shall comply with the minimum setback requirements for the subject zoning district.
26. A buffer yard may be planted in accordance with § [1478.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14615#JD_1478.05)(f).
27. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.
28. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.08 RESIDENTIAL DISTRICTS; EXCEPTIONS.**

Wireless telecommunications facilities that include towers are not permitted in single-family or two- family residential districts, with the exception of the placement on any property with an institutional use (e.g., a church, park, library, municipal/governmental building, facility or structure, hospital, school or utility) located in either of these two districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such facilities in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions.

1. Fully Automated Facility Required.  The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. This provision shall also apply to divisions (b), (c), (d) and (e) hereof.
2. Combined with a Nonresidential Use.  An antenna may be attached to a nonresidential building, or to a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, an agricultural building and a building or structure owned by a utility. The following conditions shall be met.
3. The maximum height of an antenna shall be 20 feet above the existing building or structure.
4. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, the shelter shall comply with the following.
5. The shelter shall comply with the minimum setback requirements for the subject zoning district.
6. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
7. A buffer yard shall be planted in accordance with § [1478.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14615#JD_1478.05)(f).
8. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.
9. Located on a Nonresidential Property.  A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including, but not limited to, a church, hospital, school, municipal or governmental building, facility or structure, an agricultural use and a utility use, subject to the following conditions.
10. The tower shall be set back from any property line abutting a single-family or two-family residential lot by 200 feet.
11. The maximum height of a tower or equipment shelter shall be as follows:
12. Tower:  200 feet (includes antenna); and
13. Equipment shelter:  the equipment shelter shall be not more than 35 feet in height.
14. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
15. Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
16. In order to locate a telecommunications facility on a property that is vacant or with an agricultural use, the tract shall be at least two and one-half acres in size, or as otherwise determined by the Planning and Zoning Commission.
17. Located on a Residential Building.  An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions.
18. The maximum height shall be 20 feet above the existing building.
19. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter (not located in, or attached to, the building), the shelter shall comply with the following.
20. The shelter shall comply with the maximum setback requirements for the subject zoning district.
21. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
22. A buffer yard shall be planted in accordance with § [1478.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14615#JD_1478.05)(f).
23. Vehicular access to the shelter shall, if at all possible, use the existing circulation system.
24. Located in an Open Space or Park.  A wireless telecommunications facility is permitted on land that has been established as permanent open space or a park, subject to the following conditions.
25. Ownership.  The open space shall be owned by the municipality, the county, the state, a homeowners association, a charitable organization or a private, nonprofit conservation organization.
26. Maximum Height.  The maximum height of a tower or equipment shelter shall be as follows:
27. Tower:  200 feet (includes antenna); and
28. Equipment shelter:  the equipment shelter must comply with the maximum building height requirements for the district in which it is located.
29. Maximum Size of Equipment Shelter.  The maximum size of the equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
30. Tower Setback.  The tower shall be set back from any single-family or two-family property line 200 feet.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.09 CRITERIA FOR A CONDITIONAL USE.**

1. A wireless telecommunications facility, which includes a tower, may be permitted as a conditional use in a residential or commercial district. In order to be considered for review, the applicant must prove that a newly-constructed tower is necessary because colocation on an existing tower is not feasible in accordance with § [1478.10](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14715#JD_1478.10). The following steps must also be taken for the application to be considered for review in this category.
2. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed to order to service the applicant’s service area. There shall be an explanation of why a tower and this proposed site are technically necessary.
3. Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. The applicant shall present a site/landscaping plan showing the specific placement of the wireless telecommunications facilities on the site; showing the location of existing structures, trees and other significant site features; and indicating the types and locations of plant materials used to screen the facilities and the proposed color of the facilities.
5. The applicant shall present a signed statement indicating:
6. The applicant agrees to allow for the potential colocation of additional wireless telecommunications facilities by other providers on the applicant’s structure or within the same site location; and
7. The applicant agrees to remove the facility within 180 days after the site’s use is discontinued.
8. A conditional use permit must be approved by the Planning and Zoning Commission and/or the Council, with a subsequent building permit issued by the Building Commissioner for construction of new towers in nonindustrial districts. Colocation of antennas on a single tower, antennas attached to existing structures or buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower, are permitted uses and will not be subject to the conditional use permitting process.
9. Any decision to deny a request to place, construct or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning and Zoning Commission.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.10 COLOCATION REQUIREMENTS.**

1. (1) In order to encourage the location of wireless telecommunications facilities on publicly- owned property, the village shall undertake an identification of publicly-owned properties that the village determines are suitable for such use. The village shall regularly update such identification and make the results of such identification available to the public.
2. Persons locating wireless telecommunications facilities upon such identified publicly-owned properties shall be exempt from the requirements herein regarding presentation of proof that colocation of facilities on towers or structures owned by other persons or in other locations is not available. However, persons locating wireless telecommunications facilities on publicly-owned properties shall continue to be subject to the requirements contained in division (b) hereof.
3. In addition, persons locating wireless telecommunications facilities on publicly-owned properties identified by the village to be suitable for such purposes shall be exempt from the requirement of §§ [1478.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14615#JD_1478.05)(a) to (c) and [1478.09](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14704#JD_1478.09)(a)(2) to (a)(4).
4. No new tower shall be constructed in the village unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by other persons.
5. A conditional use permit shall be issued only if there is not a technically suitable space reasonably available on an existing tower or structure within the geographic area to be served. With the permit application, the applicant shall list the location of every tower, building or structure within such area that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If another communications tower is technically suitable, the applicant must show that it has offered to allow the owner to colocate an antenna on another tower within the village owned by the applicant on reciprocal terms and that the offer was not accepted, or the other tower is presumed to be reasonably available.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.11 ABANDONMENT OF TOWERS.**

1. All providers utilizing towers shall present a report to the Mayor notifying the Mayor of any tower facility located in the municipality whose use will be discontinued and the date that use will cease. If, at any time, the use of a facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility’s owner/operator will receive written notice from the Building Commissioner and shall be instructed to either reactivate the facility’s use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.
2. The village must provide the tower owner with three months’ notice and an opportunity to be heard before the Planning and Zoning Commission prior to initiating such action. After such notice has been provided, the village shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, or in the alternative, order the demolition of the tower and all appurtenances thereto.
3. The village shall provide the tower owner with the right to a public hearing before the Planning and Zoning Commission, which public hearing shall follow the three-month notice required in division (b) hereof. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. After a public hearing is held pursuant to division (c) hereof, the Planning and Zoning Commission may order the acquisition or demolition of the tower. The village may require the licensee to pay for all expenses necessary to acquire or demolish the tower.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.12 VARIANCES AND SPECIAL EXCEPTIONS.**

Any request to deviate from any of the requirements of this chapter shall require variance approval in compliance with the procedures set forth in § [1212.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-11120#JD_1212.05) of the Planning and Zoning Code.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.13 ENFORCEMENT.**

Nothing in this chapter shall preclude the village from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this chapter.

(Ord. 5-97, passed 7-14-1997)

**§ 1478.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**Title 8: Housing**

Chapter 1480: Housing and Property Maintenance Code

**§ 1480.01 GENERAL.**

1. Title. These regulations shall be known as the Housing and Property Maintenance Code of the Village of Minerva Park, hereinafter referred to as “this code.”
2. Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
3. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
4. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.02 APPLICABILITY.**

1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
2. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.
3. Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other codes adopted by the village.
4. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.
5. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.
6. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Enforcement Officer to be safe and in the public interest of health, safety and welfare.
7. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Enforcement Officer.
8. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.
9. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law. In the event of a conflict, the stricter law shall apply.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.03 ADMINISTRATION AND ENFORCEMENT.**

1. General. The Code Enforcement Officer shall oversee the Housing and Property Maintenance Code.
2. Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Mayor/Administrator.
3. Duties and Powers of the Code Enforcement Officer.
4. General. The Code Enforcement Officer is hereby authorized and directed to enforce the provisions of this code. The Code Enforcement Officer shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
5. Inspections. The Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
6. Identification. The Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
7. Notices and Orders. The Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this code.
8. Department Records. The Code Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
9. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Enforcement Officer shall have the authority to grant modifications for individual cases upon application of the owner or owner’s representative, provided the Code Enforcement Officer shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
10. Alternative Materials, Methods and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Enforcement Officer finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
11. Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
12. Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Enforcement Officer shall be permitted to approve appropriate testing procedures performed by an approved agency.
13. Test Reports. Reports of tests shall be retained by the Code Enforcement Officer for the period required for retention of public records.
14. Used Material and Equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Code Enforcement Officer.
15. Approved Materials and Equipment. Materials, equipment and devices approved by the Code Enforcement Officer shall be constructed and installed in accordance with such approval.
16. Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.04 VIOLATIONS.**

1. Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
2. Notice of Violation. The Code Enforcement Officer shall serve a notice of violation or order in accordance with § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05).
3. Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05)shall be prosecuted in accordance with § [1480.99](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15220#JD_1480.99).

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.05 NOTICES AND ORDERS.**

1. Notice to Person Responsible. Whenever the Code Enforcement Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in divisions (b) and (c) below to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with § [1480.06](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14821#JD_1480.06)(i).
2. Form. Such notice prescribed in division (a) shall be in accordance with all of the following:
3. Be in writing;
4. Include a description of the real estate sufficient for identification;
5. Include a statement of the violation or violations and why the notice is being issued;
6. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
7. Inform the property owner of the right to appeal as set forth in § [1480.09](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14863#JD_1480.09);
8. Include a statement of the right to file a lien; and
9. Inform the person responsible that if another violation of the same or similar nature of any provisions of this code is committed within a year of the date of the original notice, the village will proceed with the prosecution of said violation without further notification.
10. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:
11. Delivered personally;
12. Sent by certified or first-class mail addressed to the last known address; or
13. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
14. Unauthorized Tampering. Signs, tags or seals posted or affixed by the Code Enforcement Officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Enforcement Officer.
15. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in § [1480.99](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15220#JD_1480.99).
16. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.06 UNSAFE STRUCTURES AND EQUIPMENT.**

1. General. When a structure or equipment is found by the Code Enforcement Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
2. Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
3. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
4. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Enforcement Officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
5. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
6. Dangerous Structure or Premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
7. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved Building or Fire Code of the jurisdiction as related to the requirements for existing buildings;
8. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress;
9. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or is lodged;
10. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value;
11. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;
12. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy;
13. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act;
14. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved Building or Fire Code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety;
15. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Enforcement Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
16. Any building or structure, because of a lack of sufficient or proper fire- resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Enforcement Officer to be a threat to life or health; or
17. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
18. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Enforcement Officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Enforcement Officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
19. Authority to Disconnect Service Utilities. The Code Enforcement Officer shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the other adopted codes of the village in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Enforcement Officer shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.
20. Notice. Whenever the Code Enforcement Officer has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05)(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05)(b).
21. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
22. Placard Removal. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Officer shall be subject to the penalties provided by this code.
23. Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Code Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
24. Abatement Methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Enforcement Officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.
25. Record. The Code Enforcement Officer shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
26. Permit Required Prior to Repair or Rehabilitation. Prior to repairing or rehabilitating a building, premises, or equipment deemed unsafe by the Code Enforcement Officer, the owner, operator, or occupant of the building, premises or equipment shall apply for a condemnation reversal permit and pay a fee as adopted by Council. The condemnation reversal permit does not take the place of other permits required by the Zoning Administrator, Chief Building Official or other outside agencies.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.07 EMERGENCY MEASURES.**

1. Imminent Danger. When, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Officer.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
2. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Code Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Enforcement Officer deems necessary to meet such emergency.
3. Closing Streets. When necessary for public safety, the Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
4. Emergency Repairs. For the purposes of this section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
5. Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction and then charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
6. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.08 DEMOLITION.**

1. General. The Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Code Enforcement Officer judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Enforcement Officer shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.
2. Notices and Orders. All notices and orders shall comply with § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05).
3. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
4. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.09 MEANS OF APPEAL.**

1. Appeals Body. The Planning and Zoning Commission is designated as the appeals body for all persons directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this code.
2. Application for Appeal. Any person directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this code shall have the right to appeal to the Planning and Zoning Commission, provided that a written application for appeal is filed within five business days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
3. Stays of Enforcement. Appeals of notices and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Planning and Zoning Commission.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.10 STOP WORK ORDER.**

1. Authority. Whenever the Code Enforcement Officer finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Code Enforcement Officer is authorized to issue a stop work order.
2. Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
3. Emergencies. Where an emergency exists, the Code Enforcement Officer shall not be required to give a written notice prior to stopping the work.
4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $250 or more than $500. Every day the work continues shall be considered a separate violation and subject to a separate fine.
5. Removing a Stop Work Order. Any person who removes a properly posted stop work order shall be liable for a fine of not less than $250 and not more than $500.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.11 DEFINITIONS.**

1. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
2. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
3. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in other chapters of the village codified ordinances, such terms shall have the meanings ascribed to them as in those codes.
4. Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
5. Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”
6. Definitions.
7. “Anchored.” Secured in a manner that provides positive connection.
8. “Approved.” Approved by the Code Enforcement Officer.
9. “Basement.” That portion of a building which is partly or completely below grade.
10. “Bathroom.” A room containing plumbing fixtures including a bathtub or shower.
11. “Bedroom.” Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
12. “Code Enforcement Officer.” The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
13. “Condemn.” To adjudge unfit for occupancy.
14. “Detached.” When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.
15. “Deterioration.” To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
16. “Dwelling unit.” A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
17. “Easement.” That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
18. “Equipment support.” Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
19. “Exterior property.” The open space on the premises and on adjoining property under the control of owners or operators of such premises.
20. “Garbage.” The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
21. “Guard.” A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
22. “Habitable space.” Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
23. “Housekeeping unit.” A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
24. “Imminent danger.” A condition which could cause serious or life-threatening injury or death at any time.
25. “Infestation.” The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
26. “Inoperable motor vehicle.” A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
27. “Labeled.” Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.
28. “Let for occupancy or let.” To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
29. “Neglect.” The lack of proper maintenance for a building or structure.
30. “NFPA 25.” Standard For The Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems published by the National Fire Protection Association.
31. “NFPA 70.” National Electric Code published by the National Fire Protection Association.
32. “Occupancy.” The purpose for which a building or portion thereof is utilized or occupied.
33. “Occupant.” Any individual living or sleeping in a building, or having possession of a space within a building.
34. “Openable area.” That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
35. “Operator.” Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
36. “Owner.” Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
37. “Person.” An individual, corporation, partnership or any other group acting as a unit.
38. “Pest elimination.” The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; or by other approved pest elimination methods.
39. “Premises.” A lot, plot or parcel of land, easement or public way, including any structures thereon.
40. “Public way.” Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
41. “Rooming house.” A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
42. “Rooming unit.” Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
43. “Rubbish.” Combustible and noncombustible waste materials, except garbage; the term shall include 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 and dust and other similar materials.
44. “Sleeping unit.” A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
45. “Strict liability offense.” An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
46. “Structure.” That which is built or constructed or a portion thereof.
47. “Tenant.” A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
48. “Toilet room.” A room containing a water closet or urinal but not a bathtub or shower.
49. “Ultimate deformation.” The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.
50. “Ventilation.” The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
51. “Village.” Village of Minerva Park, Ohio.
52. “Workmanlike.” Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
53. “Yard.” An open space on the same lot with a structure.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.12 EXTERIOR PROPERTY AREAS.**

1. General. No owner or occupant of any premises shall maintain or permit to be maintained the exterior property areas of such premises in a condition that deteriorates or debases the appearance of the neighborhood; reduces property values in the neighborhood; adversely alters the appearance and general character of the neighborhood; creates a fire, safety or health hazard; or is a public nuisance. Such violations include, but are not limited to the following:
2. Broken or dilapidated fences, walls or other structures;
3. Motor vehicles, trailers, boats and/or other motorized vehicles parked in grass or upon any premises except upon driveways, parking lots, in garages or on areas improved for vehicular use and in accordance with other codified ordinances;
4. The storage of building materials or materials such as earth, sand, or dirt upon any premises when such materials are not currently being used for work on the property;
5. Out of use or non-usable appliances or automobile parts;
6. Rugs, rags or other materials hung on lines or in other places on such premises in such a manner or for such period of time as to be unsightly or offensive; broken, dilapidated or unusable furniture or outdoor use of furniture intended for indoor use, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive;  and
7. Improperly disposed of materials, materials collected for salvage, unkempt garbage, trash, litter, and yard waste including brush, tree limbs, leaves and weeds. Improperly disposed of materials include those materials set out for collection by the waste haulers that do not meet the waste hauler’s guidelines for collection.
8. Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.
9. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
10. Weeds. Regulated by [Chapter 665](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-35595#JD_Chapter665).
11. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
12. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
13. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
14. Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
15. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair, within seven days of being notified of the presence of such graffiti.
16. Swimming Pools, Spas and Hot Tubs. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. All swimming pools, spas and hot tubs that do not contain water must be covered at all times. All swimming pools must be covered between the months of November through April except for routine maintenance. All hot tubs and spas must be covered when not in use.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.13 EXTERIOR STRUCTURE.**

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein or the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein as required for existing buildings:
3. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
4. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
5. Structures or components thereof that have reached their limit state;
6. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
7. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
8. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
9. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
10. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
11. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
12. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
13. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
14. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
15. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. Exceptions: When substantiated otherwise by an approved method, demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer.
16. Protective Treatment.
17. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
18. Tarps of any color may be used to temporarily weather-proof a structure pending permanent repair for up to two weeks. Tarps remaining in place longer than two weeks must receive approval by the Code Enforcement Officer or other official designated by the Mayor. Tarps used to cover items for longer than two weeks may only be brown, dark green or dark camouflage.
19. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of five-tenths inch.
20. Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
21. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
22. Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.
23. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
24. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
25. Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
26. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
27. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
28. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
29. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
30. Glazing. All glazing materials shall be maintained free from cracks and holes.
31. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
32. Insect Screens. At all times, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
33. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with § [1480.23](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15204#JD_1480.23)(b)(2).
34. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
35. Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
36. Building Security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
37. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer’s specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
38. Windows. Operable windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
39. Basement Hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.14 INTERIOR STRUCTURE.**

1. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
2. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein as required for existing buildings:
3. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
4. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
5. Structures or components thereof that have reached their limit state;
6. Structural members are incapable of supporting nominal loads and load effects;
7. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
8. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
9. Demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer; or
10. Exception: When substantiated otherwise by an approved method.
11. Structural Members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
12. Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
13. Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
14. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
15. Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
16. Window Treatments. Every window opening having interior window treatment shall be maintained in good working order without broken, torn, or disheveled materials. Window treatments of temporary materials, clothing items or bedding are not permitted.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.15 COMPONENT SERVICEABILITY.**

1. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
2. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies, as well as the codes and provisions adopted therein as required for existing buildings:
3. Soils. Soils that have been subjected to any of the following conditions:
4. Collapse of footing or foundation system;
5. Damage to footing, foundation, concrete or other structural element due to soil expansion;
6. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
7. Inadequate soil as determined by a geotechnical investigation;
8. Where the allowable bearing capacity of the soil is in doubt; or
9. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
10. Concrete or Asphalt Concrete or Asphalt. Concrete or asphalt concrete or asphalt that has been subjected to any of the following conditions:
11. Deterioration;
12. Ultimate deformation;
13. Fractures;
14. Fissures;
15. Spalling;
16. Exposed reinforcement; or
17. Detached, dislodged or failing connections.
18. Aluminum. Aluminum that has been subjected to any of the following conditions:
19. Deterioration;
20. Corrosion;
21. Elastic deformation;
22. Ultimate deformation;
23. Stress or strain cracks;
24. Joint fatigue; or
25. Detached, dislodged or failing connections.
26. Masonry. Masonry that has been subjected to any of the following conditions:
27. Deterioration;
28. Ultimate deformation;
29. Fractures in masonry or mortar joints;
30. Fissures in masonry or mortar joints;
31. Spalling;
32. Exposed reinforcement; or
33. Detached, dislodged or failing connections.
34. Steel. Steel that has been subjected to any of the following conditions:
35. Deterioration;
36. Elastic deformation;
37. Ultimate deformation;
38. Metal fatigue; or
39. Detached, dislodged or failing connections.
40. Wood. Wood that has been subjected to any of the following conditions:
41. Ultimate deformation;
42. Deterioration;
43. Damage from insects, rodents and other vermin;
44. Fire damage beyond charring;
45. Significant splits and checks;
46. Horizontal shear cracks;
47. Vertical shear cracks;
48. Inadequate support;
49. Detached, dislodged or failing connections; or
50. Excessive cutting and notching.
51. Demolition. Demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer.
52. Exception. When substantiated otherwise by an approved method.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.16 HANDRAILS AND GUARDRAILS.**

The standards of the Residential Code of Ohio or Ohio Building Code, whichever applies, shall govern the standards for handrails and guardrails.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.17 RUBBISH AND GARBAGE.**

1. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
2. Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
3. Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
4. Refrigerators. Refrigerators and similar equipment shall not be discarded, abandoned or stored on the exterior of the premises.
5. Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Properly maintained compost bins or piles are acceptable.
6. Garbage Facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
7. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.18 PEST ELIMINATION.**

1. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
2. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
3. Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
4. Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.
5. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
6. Exception. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.19 LIGHT, VENTILATION AND SPACE CONDITIONS.**

1. Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.
2. Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein shall be permitted.
3. Light.
4. Habitable Spaces*.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Exception: where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.
5. Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times to one foot-candle or more. In the past, a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle at floors, landings and treads.
6. Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.
7. Ventilation.
8. Habitable Spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in division (c)(1) of this section. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
9. Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by division (d)(1) of this section except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
10. Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. For purposes of these regulations, coffee pots and microwave ovens shall not be considered cooking appliances. Exception: where specifically approved in writing by the Code Enforcement Officer.
11. Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
12. Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer’s instructions. Exception: listed and labeled condensing (ductless) clothes dryers.
13. Occupancy Limitations.
14. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
15. Minimum Room Widths. Minimum room widths shall be defined by the Residential Code of Ohio or Ohio Building Code, whichever applies.
16. Minimum Ceiling Heights. Minimum ceiling heights shall be defined by the Residential Code of Ohio or Ohio Building Code, whichever applies.
17. Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of divisions (e)(5) through (9) of this section.
18. Room Area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.
19. Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: units that contain fewer than two bedrooms.
20. Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
21. Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
22. Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements of § [1480.20](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15112#JD_1480.20); the heating facilities and electrical receptacle requirements of § [1480.21](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15139#JD_1480.21); and the fire safety requirements of § [1480.22](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15185#JD_1480.22).
23. Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Enforcement Officer, endanger the life, health, safety or welfare of the occupants.
24. Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
25. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required in divisions (e)(11)B. and C. of this section.
26. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
27. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
28. The maximum number of occupants shall be three.
29. Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.20 PLUMBING.**

1. Scope. The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
2. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
3. Required Facilities.
4. Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
5. Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
6. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
7. Employees’ Facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
8. Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
9. Public Toilet Facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Ohio Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
10. Toilet Rooms.
11. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
12. Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
13. Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees’ working area. The required toilet facilities shall be located not more than one story above or below the employees’ working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees’ regular working area to the facilities.
14. Floor Surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.
15. Plumbing Systems and Fixtures. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
16. Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.
17. Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.
18. Water System. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Plumbing Code.
19. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
20. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
21. Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F. (43° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
22. Sanitary Drainage System. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
23. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
24. Grease Interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer’s instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the Code Enforcement Officer.
25. Storm Drainage. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.21 MECHANICAL AND ELECTRICAL FACILITIES AND EQUIPMENT.**

1. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.
2. Heating Facilities. Heating facilities shall be provided in structures as required by this section.
3. Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms.  Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
4. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms.
5. Exception. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
6. Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a temperature of not less than 65° F. (18° C.) during the period the spaces are occupied. Exceptions: processing, storage and operation areas that require cooling or special temperature conditions; areas in which persons are primarily engaged in vigorous physical activities.
7. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.
8. Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
9. Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: fuel-burning equipment and appliances which are labeled for unvented operation.
10. Clearances. All required clearances to combustible materials shall be maintained.
11. Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.
12. Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
13. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.
14. Electrical Facilities. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
15. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the most current edition of NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
16. Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.
17. Abatement of Electrical Hazards Associated with Water Exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water. Exception: the following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement:
18. Enclosed switches, rated 600 volts or less;
19. Busway, rated 600 volts or less;
20. Panelboards, rated 600 volts or less;
21. Switchboards, rated 600 volts or less;
22. Fire pump controllers, rated 600 volts or less;
23. Manual and magnetic motor controllers;
24. Motor control centers;
25. Alternating current high-voltage circuit breakers;
26. Low-voltage power circuit breakers;
27. Protective relays, meters and current transformers;
28. Low- and medium-voltage switchgear;
29. Liquid-filled transformers;
30. Cast-resin transformers;
31. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
32. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
33. Luminaires that are listed as submersible;
34. Motors; and
35. Electronic control, signaling and communication equipment.
36. Abatement of Electrical Hazards Associated with Fire Exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein. Exception: electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement.
37. Electrical Equipment.
38. Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
39. Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. Each dwelling unit shall be provided with a branch circuit panel board with branch circuit over current protection devices. A minimum of two 20 ampere appliance branch circuits shall be provided to the kitchen area and any receptacles adjacent to the sink area shall be GFCI protected in accordance with National Electric Code 210-8 and 210-52 requirements. A separate branch circuit shall be provided to the bathroom area and the GFCI requirements shall be followed. The remaining habitable rooms shall be provided with at least one wall switch controlled light fixture outlet or switched receptacle and two other separate wall type electric convenience outlets.
40. Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.
41. Additional Requirements for Multiple-Family Dwellings. In all multiple family dwellings, all sub panels and switching for full time lighting shall be located in areas not accessible to the public.
42. NFPA 70. The most current edition of NFPA 70 is incorporated and made part of this code.
43. Elevators, Escalators and Dumbwaiters. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the Code Enforcement Officer. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.
44. Duct Systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.22 FIRE SAFETY.**

1. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.
2. Means of Egress. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Ohio Fire Code. There will be a minimum of two unobstructed forms of egress (doors) from all residential structures. The minimum requirement cannot be met by having all means of egress on the same side of the structure.
3. Aisles. The required width of aisles in accordance with the Ohio Fire Code shall be unobstructed.
4. Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
5. Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
6. Fire-Resistance Ratings.
7. Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance- rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
8. Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked, obstructed or otherwise made inoperable.
9. Fire Protection Systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Ohio Fire Code.
10. Automatic Sprinkler Systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with the most current edition of NFPA 25.
11. Smoke Alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:
12. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
13. In each room used for sleeping purposes;
14. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level; or
15. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Ohio Fire Code.
16. Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place or buildings that are not served from commercial power source.
17. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exception: interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

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**§ 1480.23 BOARDING STANDARDS.**

1. General. All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.
2. Materials.
3. Boarding Sheet Material. Boarding sheet material shall be minimum 1/2- inch thick wood structural panels complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
4. Boarding Framing Material. Boarding framing material shall be minimum nominal two-inch by four-inch solid sawn lumber complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
5. Boarding Fasteners. Boarding fasteners shall be minimum 3/8-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
6. Installation. Boarding installation shall be in accordance with Figures A and B below and § [1480.23](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-15204#JD_1480.23)herein.

**Figure A: Boarding of Door or Window**



**Figure B: Boarding of Door Wall**



1. Boarding Sheet Material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.
2. Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The two-inch by four-inch strong back framing material shall be cut minimum two inches wider than the window opening and shall be placed on the inside of the window opening six inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.
3. Door Walls. The door opening shall be framed with minimum two-inch by four-inch framing material secured at the entire perimeter and vertical members at not more than 24 inches on center. Blocking shall also be secured at not more than 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six inches on center.
4. Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

(Ord. 33-2017, passed 12-11-2017)

**§ 1480.99 PROSECUTION OF VIOLATIONS AND PENALTIES.**

1. Prosecution of Violation. Any person who violates or fails to comply with a provision of this chapter shall be prosecuted within the limits provided by state and local laws. After notice of the violation has been served, pursuant to § [1480.05](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-14803#JD_1480.05), each day a violation continues shall be deemed a separate offense.
2. Violation Penalties. A first violation shall be classified as a minor misdemeanor. All subsequent violations of any kind shall be classified as a fourth degree misdemeanor. Whoever violates any provision of this chapter shall be fined as prescribed in § [698.02](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-37155#JD_698.02). Organizations found in violation of this chapter shall be fined as prescribed in § [698.04](https://codelibrary.amlegal.com/codes/minervapark/latest/minervapark_oh/0-0-0-37319#JD_698.04).
3. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Village Administrator from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

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