

TITLE SIX - Housing
Chap. 1490. Minimum Housing Standards.

CHAPTER 1490
Minimum Housing Standards

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CROSS REFERENCES

- Power to abate nuisances - see Ohio R.C. 715.44; B. & H. 1470.07
- Regulations to control house sewers and connections - see Ohio R.C. 729.51
- Board of Health; powers and nuisances - see Ohio R.C. 3707.01 et seq., 3709.36
- Enforcement of orders by Board - see Ohio R.C. 3707.02, 3707.48 et seq., 3707.09(C)
- Orders, regulations and emergency measures by Board of Health - see Ohio R.C. 3709.20
- Gas heaters - see GEN. OFF. 660.01
- Unsanitary conditions - see GEN. OFF. 660.03, 660.04, 660.15
- Public nuisances - see B. & H. Ch. 1470

1490.01 ESTABLISHMENT OF STANDARDS.

There are hereby established minimum housing standards as set forth in this chapter for all residential buildings within the Village.

(Ord. 1966-4. Passed 9-13-66.)

1490.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) "Basement" means a portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (b) "Building Official" shall be the name of the official appointed to enforce this chapter.
- (c) "Cellar" means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (d) " Dwelling " means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, except dormitories owned by Antioch College, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (e) " Dwelling unit " means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating, except those units within dormitories owned by Antioch College.
- (f) " Extermination " means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping or other recognized and legal pest elimination methods approved by the Building Official.
- (g) " Garbage " means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (h) " Habitable room " means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, storage spaces and recreation rooms.
- (i) " Infestation " means the presence, within a dwelling or on its premises, of any insects, rodents or other pests.
- (j) " Multiple dwelling " means any dwelling containing more than two dwelling units.

- (k) "Occupant" means any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (l) "Operator" means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (m) "Ordinary minimum winter conditions" means the temperature fifteen degrees Fahrenheit above the lowest recorded temperature for the previous ten-year period.
- (n) "Owner" means any person who, alone or jointly or severally with others:
 - (1) Has legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
 - (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if he or she were the owner.
- (o) "Plumbing" means and includes all of the following supplied facilities and equipment, gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- (p) "Rooming house" means any dwelling, or that part of any dwelling, containing two or more rooming units, in which space is let by the owner or operator to two or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- (q) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (r) "Rubbish" means combustible and noncombustible waste materials, except garbage. The term includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.
- (s) "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.
- (t) Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" and "premises" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof."
(Ord. 1966-4. Passed 9-13-66.)

1490.03 BASIC EQUIPMENT AND FACILITIES.

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

(a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Building Official.

(b) Every dwelling unit (except as otherwise permitted under subsection (d) hereof) shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition, properly connected to a water and sewer system approved by the Building Official.

(c) Every dwelling unit (except as otherwise permitted in subsection (d) hereof) shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition, properly connected to a water and sewer system approved by the Building Official.

(d) The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin and a single bathtub or shower if:

- (1) Neither of the two dwelling units contains more than two rooms, provided that, for the purpose of this subsection, a kitchenette or an efficiency kitchen with not more than sixty square feet of floor area shall not be counted as a room;
- (2) The habitable area of each of such dwelling units equals not more than 250 square feet of floor area;
- (3) Such water closet, lavatory basin and bathtub or shower are in good working condition and properly connected to a water and sewer system approved by the Building Official; and
- (4) Such water closet, lavatory basin and bathtub or shower are on the same floor as the units sharing it with access to it without one unit penetrating another dwelling unit.

(e) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this section shall be properly connected with both hot and cold water lines.

(f) Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Building Official.

(g) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the Building Official.

(h) Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under subsection (e) hereof and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of Section 1490.04(e) are not in operation.

(i) A required means of ingress and egress from a dwelling unit shall not be through any part of another dwelling unit or through an attached garage. At least one window or other exterior opening in each habitable room shall be so arranged as to permit its use as a means of escape in an emergency. The above ground level floor of a multiple dwelling shall have two stairways to the ground floor exits at least twenty feet apart as measured around the periphery of the house. (Ord. 1966-4. Passed 9-13-66.)

1490.04 LIGHT, VENTILATION AND HEATING.

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

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls of other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed contributing to the required minimum total window area.

(b) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight-type window size, as required in subsection (a) hereof, except where there is supplied some other device affording adequate ventilation and approved by the Building Official.

(c) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections (a) and (b) hereof, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system approved by the Building Official.

(d) Every habitable room of a dwelling shall contain at least one wall-type electric convenience outlet, and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of power in a safe manner.

(e) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, the bathroom and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-eight degrees Fahrenheit at a distance three feet above floor level.

(f) Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units shall be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(g) Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will effectively prevent their entrance.

(Ord. 1966-4. Passed 9-13-66.)

1490.05 MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS.

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

(a) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof, shall be capable of affording privacy and shall be kept in good repair.

(b) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair.

(c) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(d) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(e) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(g) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed or shut off from, or discontinued for, any occupied dwelling let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Official.

(h) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

(Ord. 1966-4. Passed 9-13-66.)

1490.06 SPACE, USE AND LOCATION REQUIREMENTS.

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

(a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

(c) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or water closet compartment.

(d) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(e) No basement or cellar space shall be used as a habitable room or dwelling unit unless the room or unit complies with the requirements of a habitable room or dwelling unit in this chapter. In addition:

(1) The floor and walls must be impervious to leakage of underground and surface runoff water, and humidity must be controlled.

(2) The total window area in each room must be equal to at least the minimum window area sizes as required in Section 1490.04. Such required minimum window area shall be located entirely above the grade of the ground adjoining such window area and the total of openable window area in each room shall be equal to at least the minimum as required under Section 1490.04(b). These requirements shall not apply to those basement or cellar rooms or units using artificial means of light and ventilation which are approved by the Building Official. (Ord. 1966-4. Passed 9-13-66.)

1490.07 ROOMING HOUSES.

No person shall own or operate a rooming house or occupy or let to another for occupancy any room unit in any rooming house unless the rooming house accommodations have been approved by the Building Official. In addition:

(a) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Building Official and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the owner or operator's family wherever they share the use of the facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water and cold water at all times. No such facilities shall be located in a basement except by written approval of the Building Official.

(b) The owner or operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupancy. The owner or operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(c) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of additional floor space for each additional occupancy thereof.

(d) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

(e) The owner and operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house. He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the owner or operator.

(f) Every rooming unit and every dwelling unit in every rooming house of more than three units shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit or dwelling unit. No two doors may bear the same number. No number on any door of any rooming unit or dwelling unit shall be changed to any other number without first securing a written approval of the Building Official.

(g) If the owner or operator of a rooming house permits the keeping of pets, such pets shall not create a nuisance by accumulations of body wastes or infestation of ectoparasites.

(h) No occupant of a rooming house shall cook or prepare meals in a rooming house unless such meals are prepared or eaten in a dwelling unit contained therein.

(i) The Building Official may require the owner or operator to post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths of an inch in height the following words "NO COOKING OR EATING IN THIS ROOM." Such sign shall remain so posted at all times.

(j) Every window of every room used for sleeping shall be supplied with shades, draw drapes or other devices or materials which when properly used will afford privacy to the occupant of the room.

(k) Adequate rubbish storage containers, which have been approved by the Building Official as to type and location, shall be supplied by the rooming house owner or operator. The operator or owner shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing it in the required containers.

(l) The owner or operator of a rooming house shall be responsible for hanging all screen doors and window screens whenever the same are required by the provisions of this chapter or by any rule or regulation adopted pursuant hereto.

(m) The owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests therein, and he or she shall be further responsible for extermination of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the owner or operator.

(n) Every exit shall be easily accessible from every rooming unit and dwelling unit by passage through a public passageway and without passing through any part of any other rooming unit or dwelling unit. Exits shall be unobstructed at all times.

(o) It shall be the duty of the operator of a rooming house to report forthwith to the Building Official the name of any person living in the rooming house whenever the owner or operator has reason to believe or suspect that such person may be afflicted with any communicable disease or is committing acts constituting a violation of law within the rooming house.

(p) Every provision of this chapter which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found to be in conflict with State or County laws and regulations.

(Ord. 1966-4. Passed 9-13-66.)

1490.08 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

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

(b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(c) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 1490.03(f).

(d) Every occupant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 1490.03(g). It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner has agreed to supply such facilities.

(e) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required by the provisions of this chapter or by any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

(f) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(g) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Ord. 1966-4. Passed 9-13-66.)

1490.09 DESIGNATION OF UNFIT DWELLING; CONDEMNATION PROCEDURE.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such dwellings or dwelling units shall be carried out in compliance with the following requirements:

(a) Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Official:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(4) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Building Official shall be vacated within a reasonable time as ordered by the Building Official.

(b) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated and after the dwelling or dwelling unit has been inspected and been found to comply in all respects with the requirements of this chapter.

(c) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection (c) hereof.

(d) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Village Manager under the procedure set forth in Section 1490.11.

(Ord. 1966-4. Passed 9-13-66.)

**1490.10 ENFORCEMENT BY BUILDING OFFICIAL; INSPECTIONS;
RIGHT OF ENTRY.**

The Building Official shall have the duty and responsibility of carrying out and enforcing the provisions of this chapter.

(a) The Building Official is hereby authorized and directed, provided that written twenty-four hour notice is given to the owner and/or operator and to the occupant, to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within the Village. In order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and of the general public, the Building Official is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises, when the owner, operator or occupant is present, for the purpose of making such inspections.

(b) The owner, operator or occupant of every dwelling, dwelling unit, rooming house and rooming unit or the person in charge thereof, shall give the Building Official free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises, at all reasonable times for the purpose of such inspection, examination and survey.

(c) Every occupant of a dwelling or dwelling unit or rooming unit shall give the owner thereof, or his or her agent or employees, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to this chapter.

(Ord. 1966-4. Passed 9-13-66.)

**1490.11 VIOLATIONS; SERVICE OF NOTICES AND ORDERS;
HEARINGS.**

(a) Whenever the Building Official determines that there is a violation of any provision of this chapter or of any rule or regulation adopted pursuant hereto, he or she shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- (1) Be put in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Allow a reasonable time for the performance of any act it requires;
- (4) Include a copy of this section;
- (5) Be served upon the owner or operator, or his or her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner, operator, agent or occupant if a copy thereof is served upon him or her personally, if a copy thereof is sent by registered mail to his or her last known address, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he or she is served with such notice by any other method authorized or required under the laws of the State.

Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant hereto.

(b) Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter, or of any rule or regulation adopted pursuant hereto, may request and shall be granted a hearing on the matter before the Building Official, provided that such person files in the office of the Building Official a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within fifteen days after the day the notice was served.

Upon receipt of such petition, the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such

notice should be modified or withdrawn. The hearing shall be commenced at least fifteen days and not longer than thirty days after the day on which the petition was filed.

(c) After such hearing the Building Official shall sustain, modify or withdraw the notice, depending upon his or her finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant hereto have been complied with. If the Building Official sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to subsection (a) hereof shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Official within fifteen days after such notice is served.

(d) The proceedings at such hearing, including the findings and decisions of the Building Official, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Building Official. Such record shall also include a copy of every notice or order issued in connection with the matter.

(e) Any person against whom an order is made by the Building Official may, within ten days after the date of issuance of such order, file an application to Council for modification of such order. Council may, after investigation, affirm, modify or reverse the order issued by the Building Official. Notwithstanding the provisions of this section, prosecution for violations of this chapter or orders of the Building Official may be made as provided in Section 1490.99.

(f) Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health or safety, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Building Official, shall be afforded a hearing as soon as possible. After such hearing, depending upon his or her findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant hereto have been complied with, the Building Official shall continue such order in effect or modify or revoke it.

(Ord. 1966-4. Passed 9-13-66.)

1490.12 RULES AND REGULATIONS.

Council shall adopt such written rules and regulations as may be necessary for the proper enforcement of this chapter, provided that such rules and regulations are not in conflict with this chapter. The Building Official shall file a certified copy of all rules and regulations which may be adopted by Council with the Clerk of Council. Such rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violations thereof shall be the same as the penalty

for violations of this chapter.
(Ord. 1966-4. Passed 9-13-66.)

1490.13 CONFLICTS OF LAWS; SEPARABILITY.

(a) In case of a conflict between any provision of this chapter and any other ordinance of the Village or of the County in which the premises are located, whether relating to zoning, building, fire, safety or health matters, or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision establishing the lower standard, if contained in such other Village ordinance, is hereby repealed to the extent of its conflict with this chapter.

(b) If any word, phrase, clause, sentence, section or provision of this chapter is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be invalid.
(Ord. 1966-4. Passed 9-13-66.)

1490.99 PENALTY.

Whoever violates any of the provisions of this chapter, or violates or fails to comply with an order of the Building Official issued in accordance with this chapter, is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.