

CODIFIED ORDINANCES OF SYLVANIA
PART THIRTEEN - BUILDING CODE

- Chap. 1305. Residential Code of Ohio.
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CODIFIED ORDINANCES OF SYLVANIA
PART THIRTEEN - BUILDING CODE

CHAPTER 1305
Residential Code of Ohio

1305.01 Adopted.

1305.02 Enforcement.

CROSS REFERENCES

Required submission of plans of public buildings - see Ohio R.C. 3791.04
 Fees for plan approval - see Ohio R.C. 3791.07
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Adoption of technical codes - see Ohio R.C. 731.231
 Enforcement of Ohio Building Code - see Ohio R.C. 3781.03
 Electrical Safety Inspection - see Ohio R.C. Ch. 3783
 Blueprints, materials requiring permits - see FIRE PREV. 1505.11 et seq.

1305.01 ADOPTED.

The Ohio Administrative Code 4101:8 - Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Sylvania, Ohio. (Ord. 43-2011. Passed 6-6-11.)

1305.02 ENFORCEMENT.

(a) The Mayor and Director of Finance are hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to certify the City of Sylvania for enforcement of the Residential Code of Ohio with the condition that the Lucas County Residential Building Department exercise the enforcement authority as necessary in accordance with the Residential Code of Ohio within the limits of the City of Sylvania and to enter into an Agreement with the Lucas County Residential Building Department for such purpose.

(b) The Mayor and Director of Finance are hereby authorized and directed to enter into agreement with the County of Lucas for the enforcement of the Residential Code of Ohio within the limits of said City, whereby the County of Lucas Residential Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said City in accordance with the provisions of the Residential Code of Ohio.

(c) The terms of the Agreement shall grant to the County full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the City of Sylvania and in consideration therefore to allow the County to retain all permit and inspection fees authorized by the State of Ohio for such purposes and will hold Lucas County harmless for all claims or causes of action of every kind and nature arising from the acts of the County, its agents, employees and representatives in the administration and enforcement of said codes. (Ord. 43-2011. Passed 6-6-11.)

CHAPTER 1313
Fire Limits

1313.01	Definitions.	1313.05	Repair of damaged building.
1313.02	Fire district boundaries.	1313.06	Removal of buildings in violation.
1313.03	Outer walls requirements.	1313.99	Penalty.
1313.04	Roof to be covered with incombustible material.		

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Fire limits - see Ohio R.C. 737.28

Inspection of buildings for fire and safety - see Ohio R.C. 737.34

1313.01 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings respectively assigned to them:

- (a) "One-family dwelling" means a detached dwelling designed for and occupied by not more than one family.
- (b) "Two-family dwelling" means a detached dwelling designed for and occupied by not more than two families.
- (c) "Private garage" means a garage used only by persons residing on the premises for the storage of self-propelled vehicles or trailers.
- (d) "Lodging house" means an abode, not a public inn, in which not more than three sleeping rooms for lodging are provided for compensation.
(1964 Code §51.20)

1313.02 FIRE DISTRICT BOUNDARIES.

Fire district boundaries are the territory within the corporation boundaries of the City, bounded and described as follows:

Beginning at the point of the intersection of the centerline of Monroe Street and the extension of the west line of the New York Central Railroad right of way; thence northerly, along the west line of such New York Central Railroad right of way and its extension, to its intersection with the centerline of Erie Street; thence easterly, along the centerline of Erie Street and its extension thereof, to the centerline of Ottawa River; thence southerly, along the centerline of Ottawa River, to a point that is four hundred feet north of the north right-of-way line of Monroe Street; thence easterly, on a line that is parallel to such north line of Monroe Street to the west line of Lot 83 of the Haverford Addition in the City; thence southerly, along the west lot line of Lot 83 in such Haverford Addition to the City, to the southwest corner of such lot; thence easterly, along the south lot line of Lot 83 and its extension thereof, to the centerline of Glasgow Road; thence southerly, along the centerline of Glasgow Road, to its intersection with the centerline of Firth Road; thence easterly,

along the centerline of Firth Road and its extension thereof, to the centerline of Cushman Road; thence southerly, along the centerline of Cushman Road to its intersection with the centerline of Randall Drive; thence easterly, along the centerline of Randall Drive, to its intersection with the centerline of Acres Road; thence northerly, along the centerline of Acres Road, to its intersection with the centerline of Cadet Drive; thence easterly, along the centerline of Cadet Drive and its extension thereof, to the east lot line of Lot 68 of Bel-Aire Park Plat 2 in the City; thence southerly, along the east lot line of Lot 68 of such subdivision and its extension thereof, to the south west corner of Lot 14 of Plum Acres Addition, Plat 1 in the City; thence easterly, along the south line of such Lot 14 of Plum Acres Addition and its extension thereof, to the west line of Lot 1 of Plum Acres Plat 1 in the City; thence northerly, along such west line of Lot 1 of the Plum Acres Addition, to the southwest corner of Lot 3 of the Plum Acres Addition; thence easterly, along the south line of such Lot 3, to the east lot line of Lot 3 of Plum Acres subdivision; thence northerly, along east line of Lot 3 and its extension thereof, to a point three hundred fifty feet north of the north right-of-way line of Alexis Road; thence easterly, along a line that is parallel to the north right-of-way line of Alexis Road, to the west right-of-way line of Roan Road; thence southerly, along west right-of-way line to Roan Road and its extension thereof, to its intersection with the centerline of Alexis Road; thence easterly, along the centerline of Alexis Road, to its intersection with the east line of Lot 1 extended, of the Brown & Bossard Subdivision in the City, such line also represents the east corporation line of the City; thence southerly, along the east lot line of Lot 1 of the Brown & Bossard Subdivision in the City, to the southeast corner of Lot 1; thence westerly, along the rear lot line of Lots 1, 2, 3, 4, 5 & 6 of the Brown & Bossard Subdivision in the City and its extension thereof, to the east boundary line of Whetstone Park Addition in the City; thence northerly, along the east boundary line, to its intersection with the south line of Lot 353 in the Whetstone Park Addition in the City; thence westerly, along the south line of Lot 353 and the extension thereof, Lots 346, 287, 286, 285 and the extension thereof, to the northeast corner of Lot 281, all in the above Whetstone Park Addition; thence southerly, along the east lot line of Lot 281 to the southeast corner of Lot 281; thence westerly, along the south lot lines of Lots 281, 226, 225, 224 and the extension thereof, to the northeast corner of Lot 220 in the above subdivision; thence southerly, along the east lot line of Lot 220 to the southeast corner of Lot 220 in the above named subdivision; thence westerly, along the south lot line of Lots 220, 179, 178, 177 and the extension thereof, to the northeast corner of Lot 173 in the above named subdivision; thence southerly, along the east lot lines of Lots 173, 172 and 171 in the above named subdivision, to the southeast corner of Lot 171 in the above named subdivision; thence westerly, along the south lot lines of Lots 171, 136 and the extension thereof, Lots 127, 82 and the extension thereof, Lots 74, 29 and the extension thereof, to the northeast corner lot line of Lot 22 all in the above named subdivision; thence southerly, along the east lot line of Lot 22, and Lot 21 all in the above named subdivision to the southeast corner of Lot 21 in such subdivision; thence westerly, along the south lot line of Lot 21 to the southwest corner of Lot 21, such corner lot also represents the west boundary of the above named subdivisions; thence southerly, along the westerly boundary of Whetstone Park Addition, to the extension of the south right-of-way line of McGregor Lane, formerly Whetstone Drive; thence easterly, along

the south right-of-way line of McGregor Lane, to its intersection with the west boundary line of the Bentbrook Addition in the City; thence southerly, along the west boundary line of the Bentbrook Addition to the southwest corner of Lot 3 in the above Bentbrook Addition; thence easterly, along the south lot line of Lot 3 in the above addition and the extension thereof, to the east right-of-way line of Bentbrook Road; thence southerly, along the east right-of-way line of Bentbrook Road to its intersection with the south right-of-way line to Lynnhaven Drive; thence easterly, along the south right-of-way line of Lynnhaven Drive, to its intersection with the west lot line of Lot 69 of Bentbrook Addition in the City; thence southerly, along the west lot line of Lot 69 to the southwest corner of Lot 69 in the above named subdivision; thence easterly, along the south line of Lots 69, 68, 67 in the above named subdivision and the extension thereof, to the east right-of-way line of Silvertown Road; thence southerly, along the east right-of-way line of Silvertown Road, to its intersection with southwest corner of Lot 128 of Cooper Place Addition, in the City, such point also represents the south boundary line of Cooper Place; thence easterly, along the south boundary line of Cooper Place a distance of three hundred and fifty feet, more or less, to the east corporation line of the City; thence southerly, along such east corporation line five hundred and eighty feet, more or less, to its intersection with the centerline of Monroe Street; thence northwesterly, along the centerline of Monroe Street, to a point where the centerline of Monroe Street intersects with corporation line of the City, such corporation line also represents the extension of the northerly property line of a property now or formerly owned by Park D. Emmert; thence southwestwardly, along the corporation line to the centerline of Corey Road; thence southeasterly, along the centerline of Corey Road, such line also represents the present City corporation line, to the intersection of the centerline of Corey Road and the extension of the northerly property line of a parcel of land now or formerly owned by Helen G. Whitmore, such line also represents the City corporation line; thence southwestwardly, along the northerly property line of such parcel of land now or formerly owned by Helen G. Whitmore and its extension, a distance of three hundred feet; thence northwesterly, on a line that is parallel to the centerline of Corey Road and to the centerline of Monroe Street, to its intersection with the easterly right-of-way line of the U.S. 23 Expressway; thence northeasterly, along the easterly right-of-way line of U.S. 23 Expressway and its extension thereof, to the centerline of Monroe Street; thence westerly along the centerline of Monroe Street to the intersection of the centerline of Monroe Street and the extension of the westerly right-of-way line of the U.S. 23 Expressway; thence southerly, along the westerly right-of-way line of U.S. 23 Expressway, to the centerline of the Ottawa River (formerly Ten Mile Creek); thence westerly, along the centerline of the Ottawa River to a point three hundred feet east of the centerline of South Main Street; thence southerly, along a line that is parallel to the centerline of South Main Street to its intersection with the south line of Section Ten Town Nine South, Range Six East in Sylvania Township, Lucas County, Ohio, such section line also represents the south corporation line for the City and the centerline of Brint Road extended; thence westerly, along such section line to its intersection with the extension of the west right-of-way line of the New York Central Railroad right of way; thence southerly, along the west right-of-way line of the New York Central Railroad, to a point a distance of four hundred and eleven feet, more or less, from the south line of Section Ten; thence westerly, on a line that is parallel to the south line of Section Ten, to a point, a distance of nine hundred and thirteen feet, more or less, thence southerly, on a line that is parallel

to the centerline of McCord Road to a point, a distance of five hundred and ninety-nine and ninety-eight hundredths feet; thence westerly, on a line that is parallel to the south line of Section Ten to its intersection with the centerline of McCord Road; thence northerly, along the centerline of McCord Road, to the intersection of the south line of Section Ten (centerline of Brint Road); thence easterly, along the centerline of Brint Road, to its intersection with the extension of the west right-of-way line of the New York Central Railroad; thence northerly, along the west right-of-way line of the New York Central Railroad, to its intersection with the centerline of Mill Street; thence westerly, along the centerline of Mill Street, to its intersection with the centerline of Spring Street, thence northerly, along the centerline of Spring Street, to its intersection with the centerline of Convent Boulevard; thence easterly, along the centerline of Convent Boulevard, to the extension of the west right-of-way line of the New York Central Railroad; thence northerly, along the west right-of-way line of New York Central Railroad, to its intersection with the centerline of the Ottawa River (formerly Ten Mile Creek); thence westerly, along the centerline of the Ottawa River, to its intersection with the centerline of Silica Drive; thence northerly, along the centerline of Silica Drive, to its intersection with the centerline of Monroe Street; thence easterly, along the centerline of Monroe Street, to the point of beginning. (1964 Code §51.21)

1313.03 OUTER WALL REQUIREMENTS.

Every building hereafter erected or altered within the fire district of the City, except those buildings mentioned in Section 1313.01, shall be constructed with outer walls made of stone, brick, tile, concrete and mortar or of one or more of such materials or of some other incombustible material or materials.
(1964 Code §51.22)

1313.04 ROOF TO BE COVERED WITH INCOMBUSTIBLE MATERIAL.

Every building hereafter erected or altered within the fire district of the City shall be constructed with the roof covered with incombustible material.
(1964 Code § 51.23)

1313.05 REPAIR OF DAMAGED BUILDING.

No person shall alter or repair any wood, frame, brick cased or brick veneered building within the fire district of the City which is not in accordance with Sections 1313.01 to 1313.06 inclusive, except those buildings heretofore mentioned in Section 1313.01, when such building has been damaged by fire, decay or action of the elements to the extent of fifty percent of the original value of such building, exclusive of the value of the foundation thereof. The roof of any building which has been damaged from any cause whatever, more than fifty percent of its original value, shall be replaced by a roof covered with incombustible material.
(1964 Code §51.24)

1313.06 REMOVAL OF BUILDINGS IN VIOLATION.

Any building or buildings, or additions to any building erected, altered or repaired, contrary to the provisions of Sections 1313.01 to 1313.06 inclusive, shall, after thirty days notice to the owner to remove same, be removed by the City and the expense of such removal charged to the owner or owners of such building or buildings.
(1964 Code §51.25)

1313.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 1325
Swimming Pools

1325.01	Definitions.	1325.06	Ladder requirements.
1325.02	Permits required.	1325.07	Unnecessary noise prohibited.
1325.03	Application for permit; fee.	1325.08	Lights.
1325.04	Fencing requirements.	1325.09	Savings clause.
1325.05	Location and height requirements.	1325.10	Conflict of law.
		1325.99	Penalty.

CROSS REFERENCES

Swimming pools - see OAC Ch. 3701-31
Application for filling swimming pools - see S.U. & P.S.
923.07

1325.01 DEFINITIONS.

As used in this chapter:

- (a) "Private swimming pool" means any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing located at a dwelling house of no more than three families and used exclusively by the residents and their nonpaying guests.
- (b) "Public swimming pool" means any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any public bathing area or private swimming pool.
- (c) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river or other similar natural body of water.
- (d) "Limited access ladder" means any ladder with provision for making entry inaccessible when the pool is not in use, i.e., swing-up, slide-up or equivalent.
- (e) "Portable ladder" means any ladder which, by its portable nature, is intended to be physically removed with ease when the pool is not in use.
(Ord. 77-92. Passed 11-2-92.)

1325.02 PERMITS REQUIRED.

No person, firm or corporation shall locate, construct, or install any swimming pool or make any alterations thereto without a permit issued by the Zoning Administrator, and without all other permits required by the County.

(Ord. 77-92. Passed 11-2-92.)

1325.03 APPLICATION FOR PERMIT; FEE.

(a) Application for a permit to locate, construct, install or make alterations to a swimming pool shall be made to and approved by the Zoning Administrator on an application form provided by the Zoning Administrator. Such application shall be accompanied by plans, specifications and calculations in duplicate, and in detail showing the following:

- (1) A plot plan, of the rear yard and the proposed construction, showing existing, principal and accessory buildings, and the location of any exterior utility wiring (electrical and phone service) and any easements.
- (2) Rear yard total area.
- (3) Pool dimensions, and depth profile.
- (4) Pool piping layout and back flow device.
- (5) Location and type of waste disposal system.
- (6) Location of sewer lines, private sewage disposal facilities, water supplies, public utilities, ditches, drains, culverts and watercourses.
- (7) The method employed to clean pool (vacuum, etc.).

(b) Installation, enlarging, reconstructing or reinstalling of a pool shall be in accordance with the application and permit issued thereon. If practical difficulties are encountered during the installation, enlarging, reconstructing or reinstalling, an amended application and permit shall be obtained before proceeding with the pool installation, enlarging, reconstructing or reinstalling in any respects different from that for which an application was filed and a permit issued therefor.

(c) Applications to the Zoning Administrator for a permit shall be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00).

(Ord. 77-92. Passed 11-2-92.)

1325.04 FENCING REQUIREMENTS.

(a) Every outdoor public swimming pool in the City is required to be completely enclosed by fencing not less than six feet in height.

(b) Every outdoor private swimming pool having a water level at or below ground level shall be required to be enclosed by fencing not less than four feet in height.

(Ord. 77-92. Passed 11-2-92.)

(c) Every outdoor private swimming pool having a water level capacity greater than eighteen inches shall be required to be enclosed by fencing not less than four feet in height. (Ord. 39-2007. Passed 5-7-07.)

(d) Any enclosure under subsections (a), (b) and (c) hereof shall be constructed so that any horizontal stabilizer bars are on the pool side of the enclosure, and vertical support bars shall be spaced no more than two inches apart. A building or existing wall may suffice as part of any required enclosure, provided all other requirements are met. All gates and doors through any enclosure required by this chapter shall be designed to permit locking and shall be locked when the pool is not in actual use or unattended.

(e) This section shall not apply to a spa equipped with a safety cover which complies with ASTM F 1346. (ASTM F-1346 - New Standards Performance Specification for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs.) (Ord. 77-92. Passed 11-2-92.)

1325.05 LOCATION AND HEIGHT REQUIREMENTS.

(a) Location. All swimming pools, including the decks, and appurtenances thereto, shall be located no closer to any property line than ten feet plus one foot for each foot or part thereof that the height of the floor of any twenty-one square foot, or more deck of the pool exceeds the average ground grade of the pool site.

(b) Height Limitations. Lights, diving boards, or other accessories except slides shall not project more than ten feet above the average ground grade of the pool site. Slides shall not project more than eleven and one-half feet above the average ground grade of the pool site.

(1) Top rails surrounding horizontal stabilizer bars on an above ground swimming pool shall not exceed four and one-half feet above the average ground grade of the pool.

(2) No floor of any deck shall exceed four and one-half feet above the average ground grade of the pool site.

(Ord. 77-92. Passed 11-2-92.)

1325.06 LADDER REQUIREMENTS.

(a) When not in use, a pool with a limited access ladder shall be rendered inaccessible by placing such ladder in a position which prohibits entry to the pool.

(b) When not in use, a pool with a portable ladder shall be rendered inaccessible by removing such ladder from the pool.

(Ord. 77-92. Passed 11-2-92.)

1325.07 UNNECESSARY NOISE PROHIBITED.

No person, when using a swimming pool shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of common sensibilities within the City.

(Ord. 77-92. Passed 11-2-92.)

1325.08 LIGHTS.

Lights used to illuminate any swimming pools shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

(Ord. 77-92. Passed 11-2-92.)

1325.09 SAVINGS CLAUSE.

The determination that any part of this chapter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

(Ord. 77-92. Passed 11-2-92.)

1325.10 CONFLICT OF LAW.

In the event of conflict between any provisions of this chapter, including any rules and regulations adopted pursuant to its provisions and any other provisions of the Codified Ordinances, including any rules and regulations adopted pursuant to such Codified Ordinances, the more restrictive provision or provisions shall prevail and control.

(Ord. 77-92. Passed 11-2-92.)

1325.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day such violation is committed or permitted to continue constitutes a separate offense and shall be punishable as such hereunder.

(Ord. 77-92. Passed 11-2-92.)

CHAPTER 1329
Nuisance Abatement

1329.01	Definitions.	1329.07	Abatement by City.
1329.02	Complaints; inspection of premises.	1329.08	Emergency abatement.
1329.03	Summary abatement.	1329.09	Authority of City.
1329.04	Nonsummary abatement.	1329.10	Unlawful interference prohibited.
1329.05	Appeal procedure.	1329.11	Conflict of law.
1329.06	Hearing procedure.	1329.99	Penalty.

CROSS REFERENCES

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Maintaining a nuisance - see GEN. OFF. 521.06

Maintenance of buildings in unsafe condition - see GEN. OFF. 521.08

1329.01 DEFINITIONS.

As used in this chapter, "public nuisance" means a condition which exists when:

- (a) Any building or structure upon any lot of land is so out of repair or dilapidated that it endangers the public health, safety, welfare or property.
- (b) Any tree, stack or other object standing upon any lot of land is in such a condition that it endangers the public health, safety, welfare or property.
- (c) Any excavation or cellar upon any lot of land is unguarded or in such condition that it endangers the public health, safety, welfare or property.
- (d) Any accumulation upon any lot of land of earth, rubbish or other material which attracts or propagates rats, vermin or insects in such manner that it endangers the public health, safety, welfare or property.
- (e) Any building or structure upon any lot of land is so out of repair that it constitutes a fire hazard.
- (f) There is located upon any lot of land or in any building or structure located thereon rubbish or other material in such an amount that it constitutes a fire hazard.
- (g) The conduct of any activity upon any lot of land generates noxious odors, smoke, dust or dirt which endangers the public health, safety, welfare or property.

- (h) The conduct of any activity upon any lot of land generates loud, unusual or unnecessary noise, which annoys, disturbs, injures or endangers the public health, safety, welfare or property.
- (i) Any material which, by its nature, endangers the public health, safety, welfare or property, is placed, thrown or swept into any street, highway, alley, park or public ground.
- (j) Any condition exists which, at common law, was classified as a public nuisance.
- (k) Any condition exists which has been declared a public nuisance by the Ohio Revised Code.
(Ord. 87-91. Passed 9-4-91.)

1329.02 COMPLAINTS; INSPECTION OF PREMISES.

(a) Whenever a complaint is made to the Building Inspector of the existence of a public nuisance as defined in Section 1329.01, he shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such public nuisance exists. Should the Building Inspector, after such inspection, find that a public nuisance exists, he shall promptly notify the Fire Chief of the City and the Commissioner of Health of Lucas County and request such officials to make an inspection of the premises.

(b) Upon receipt of the notice required by subsection (a) hereof, the Fire Chief and Commissioner of Health shall inspect such premises and make a written report of their findings, which, together with the report of the Building Inspector, shall be filed with the Director of Public Service of the City.

(c) Should the Fire Chief or the Commissioner of Health concur in the finding of the Building Inspector that a public nuisance exists, abatement of such public nuisance shall proceed in accordance with the provisions of Section 1329.03 and 1329.04.
(Ord. 87-91. Passed 9-4-91.)

1329.03 SUMMARY ABATEMENT.

(a) Should the Code Official or his designee, and either the Fire Chief or Commissioner of Health find that a public nuisance exists and that the nature thereof is such as to require its summary abatement, the Director of Public Service shall cause photographs to be made of such nuisance and shall file and keep in his office such photographs along with the reports of the Code Official or his designee, Fire Chief and Commissioner of Health pertaining to the public nuisance. The Director of Public Service or his designee shall then determine the individual, firm or corporation who from the records in the Auditor's Office of Lucas County, appears to be the titled owner of the property and immediately cause a written notice to be served on such titled owner. Notice shall be served personally on the titled owner or by certified mail with a return receipt requested. If service of such written notice is unable to be perfected by the aforesaid methods, then the Director of Public Service or his designee shall cause a copy of the aforesaid notice to be left with the individual, if any, in possession of the premises on which the public nuisance exists, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on the premises.

(b) The notice required by subsection (a) hereof shall state, in brief, the findings with respect to the existence of the public nuisance by the Code Official or his designee and the concurrence of either the Fire Chief or Commissioner of Health. The notice shall further state that unless the owner causes the nuisance to be abated by the City at the expense of the owner. (Ord. 98-2002. Passed 10-21-02.)

1329.04 NONSUMMARY ABATEMENT.

(a) Should the Code Official or his designee, and either the Fire Chief or Commissioner of Health find that a public nuisance exists, but that the nature thereof is not such as to require summary abatement, reports of their findings shall be made and filed with the Director of Public Service. The Director of Public Service shall cause photographs to be made of such nuisance and shall file and keep in his office such photographs along with the reports of the Code Official or his designee, Fire Chief and Commissioner of Health pertaining to the public nuisance. The Director of Public Service or his designee shall then determine the individual, firm or corporation who from the records in the Auditor's Office of Lucas County, appears to be the titled owner of the property and shall, within five days, cause a written notice to be served on such titled owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Director of Public Service or his designee shall cause a copy of the aforesaid notice to be left with the individual, if any, in possession of the premises on which the public nuisance exists, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on the premises.

(b) The notice required by subsection (a) hereof shall state, in brief, the findings with respect to the existence of the public nuisance by the Code Official or his designee and the concurrence of either the Fire Chief or Commissioner of Health. The notice shall further state that unless the owner causes the nuisance to be abated within thirty days after service of the notice, the nuisance shall be abated by the City at the expense of the owner. (Ord. 98-2002. Passed 10-21-02.)

1329.05 APPEAL PROCEDURE.

(a) The owner of the premises, or his designated representative, upon which a public nuisance is located and who has been served with a notice, pursuant to Section 1329.03, that a public nuisance exists and that it must be abated within seventy-two hours may, within that seventy-two hour period, appear in person before the Director of Public Service and request a hearing on the question of whether a public nuisance exists, as defined in Section 1329.01, and merits summary abatement.

(b) A hearing held pursuant to subsection (a) hereof shall be held no later than three business days from the date of the in-person request for a hearing by the owner of the premises upon which the public nuisance is located. The Director of Public Service shall provide to the owner the hearing date, time and place at the time the in-person request for a hearing is made.

(c) The owner of the property upon which a public nuisance exists and who has been served with a notice, pursuant to Section 1329.04, that a public nuisance exists and that it must be abated within thirty days, may, within seven days after receipt of such notice, make a written demand to the Director of Public Service for a hearing on the question of whether a public nuisance exists as defined in Section 1329.01.

(d) A hearing held pursuant to subsection (c) hereof shall be held no later than ten days following receipt of the written demand to the Director of Public Service and at least three days notice of the hearing shall be given to the individual who made the written demand for the hearing. (Ord. 87-91. Passed 9-4-91.)

1329.06 HEARING PROCEDURE.

(a) All hearings requested pursuant to the provisions of Section 1329.05 shall be conducted before a Hearing Board (which shall be known as the Nuisance Abatement Board) comprised of the Mayor, the Director of Law, and the Director of Public Service, or their designated representatives. The Board may affirm, reverse or modify the finding of a public nuisance and the issuance of the abatement order by the Building Inspector by a majority vote.

(b) A copy of the decision of the Hearing Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. In cases involving summary abatement, a decision shall be rendered at the conclusion of the hearing. The decision of the Nuisance Abatement Board shall be final and conclusive, unless an appeal is filed in a court of competent jurisdiction within ten days of the date of the delivery of the decision.

(c) All hearings held by the Nuisance Abatement Board shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Hearing Board is hereby empowered to subpoena witnesses and take testimony under oath.
(Ord. 87-91. Passed 9-4-91.)

1329.07 ABATEMENT BY CITY.

(a) Should a public nuisance not be abated within the time stated in the notice given pursuant to this chapter, or within such additional time as the Nuisance Abatement Board may grant for such abatement, the Director of Public Service or his designated representative shall have the right to enter upon the premises and abate such nuisance. In abating a public nuisance, the Director of Public Service

may take such action as is necessary to complete the abatement and should it be practicable to sell or salvage any material resulting from such abatement, he may cause the same to be sold at public or private sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of the City. Should the amount recovered be insufficient to pay the cost of the abatement, the deficiency shall be reported to Council, which shall levy an assessment against the property upon which the nuisance was abated and cause such assessment to be certified and collected as other assessments by the City. Should the amount recovered exceed the cost of such abatement, the amount of such excess shall be paid to the owner of the premises upon the filing of a claim thereto and proof of title and right to such surplus.

(b) The Director of Public Service may utilize any labor or equipment of the City in abating a public nuisance or may contract for the abatement thereof provided that Council authorizes the expenditure of funds for such abatement.
(Ord. 87-91. Passed 9-4-91.)

1329.08 EMERGENCY ABATEMENT.

(a) Whenever a public nuisance exists as defined in Section 1329.01 and the nature thereof constitutes an emergency as defined in subsection (b) hereof, the City may take immediate action to abate the nuisance and such abatement may take place without prior notice to the titled owner of the premises on which the public nuisance exists. Notice of the action taken to abate the nuisance shall immediately be sent to the titled owner by certified mail with a return receipt requested.

(b) As used in this section, "emergency" means an unforeseen combination of circumstances which calls for immediate action in order to preserve the public health, safety, welfare or property.

(c) In any proceeding pursuant to this section, the determination that a public nuisance exists and that the nature thereof constitutes an emergency as defined in subsection (b) hereof shall be made solely by the Building Inspector and the concurrence of the Fire Chief or the Lucas County Health Commissioner shall not be required.
(Ord. 87-91. Passed 9-4-91.)

1329.09 AUTHORITY OF CITY.

The provisions of this chapter shall be deemed to be an enlargement and not a limitation or restriction on the power or authority of the City or any officer thereof to take any action or bring any suit or proceeding in respect to public nuisances otherwise provided for by law or ordinance of the City.
(Ord. 87-91. Passed 9-4-91.)

1329.10 UNLAWFUL INTERFERENCE PROHIBITED.

No person shall interfere with any municipal officer, assistant, subordinate, employee or agent while he is engaged in or about the carrying out of any of the duties set forth in this chapter. (Ord. 87-91. Passed 9-4-91.)

1329.11 CONFLICT OF LAW.

In the event of conflict between any provisions of this chapter, including any rules and regulations adopted pursuant to its provisions and any other provisions of the Codified Ordinances, including any rules and regulations adopted pursuant to such Codified Ordinances, the more restrictive provision or provisions shall prevail and control.
(Ord. 87-91. Passed 9-4-91.)

1329.99 PENALTY.

(a) Whoever refuses or neglects to obey a proper order issued pursuant to this chapter shall be guilty of a misdemeanor of the fourth degree. Each and every day such order is not obeyed shall be deemed to be a separate offense.

(b) It shall be an affirmative defense to the refusal or neglect to obey a proper order issued pursuant to this chapter that the person was willing to comply with the order but was financially unable to do so.

(c) Whoever violates the provisions of Section 1329.10 shall be guilty of a misdemeanor of the second degree.
(Ord. 87-91. Passed 9-4-91.)

PART THIRTEEN - BUILDING CODE
Chap. 1331. Property Maintenance Code

CHAPTER 1331
Property Maintenance Code

1331.01	Code adopted; identity and purpose.	1331.06	Amendments to Chapter Five of the ICC International Property Maintenance Code.
1331.02	Amendments to Chapter One of the ICC International Property Maintenance Code.	1331.07	Amendments to Chapter Six of the ICC International Property Maintenance Code.
1331.03	Amendments to Chapter Two of the ICC International Property Maintenance Code.	1331.08	Amendments to Chapter Seven of the ICC International Property Maintenance Code.
1331.04	Amendments to Chapter Three of the ICC International Property Maintenance Code.	1331.09	Amendments to Chapter Eight of the ICC International Property Maintenance Code.
1331.05	Amendments to Chapter Four of the ICC International Property Maintenance Code.		

CROSS REFERENCES

Property nuisances generally - see GEN. OFF. Ch. 521
Weeds - see GEN. OFF. Ch. 555

1331.01 CODE ADOPTED; IDENTITY AND PURPOSE.

Pursuant to the provisions of Article III, Section 11(d) of the City Charter, the International Property Maintenance Code, 2000 Edition, Chapters One through Eight, compiled and published by the International Code Council, is hereby adopted by the City of Sylvania and incorporated by reference as if it were fully set out herein. This code shall be subject to the amendments contained in this chapter.
(Ord. 97-2002. Passed 10-21-02.)

1331.02 AMENDMENTS TO CHAPTER ONE OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following Sections of Chapter One of the ICC International Property Maintenance Code shall be amended as listed below:

- (a) PM-101.1 Title. This paragraph shall be amended to read as follows:
These regulations shall be known as the Property Maintenance Code of the City of Sylvania hereinafter referred to as the Property Maintenance Code or "this Code."

- (b) PM-102.3 Application of Other Codes. This paragraph shall be amended to read as follows:
Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes legally adopted in this jurisdiction.
- (c) PM-102.7 Referenced Code and Standards. This paragraph shall be amended to read as follows:
The codes and standards referenced in this code shall be replaced by the locally adopted code standards listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.
- (d) PM-110 Demolition. This Section should be deleted in its entirety (Refer to Chapter 1329, Nuisance Abatement).
- (e) PM-111.2 Membership of Board. This Section and all subsections (Paragraphs one through five) shall be amended to read as follows:
There shall be and hereby is created a Property Maintenance Code Appeals Board, hereinafter referred to as the Board, consisting of five members appointed by City Council. Those members making up the Board of Zoning Appeals as established in Chapter 1105 of the Sylvania Codified Ordinances shall also serve as the Appeals Board for this Code. This Board shall carry out all the duties and obligations required of the Board in this Code. No member shall hear an appeal in which that member has a personal, professional or financial interest. (Ord. 97-2002. Passed 10-21-02.)
- (f) PM-104.4 Right of Entry. This section shall be amended to read as follows:
The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided herein.
- (g) PM-104.4.1 Where Right of Entry by Code Official is Refused. This section shall be added and shall read as follows:
The code official may apply to the Sylvania Municipal Court, upon affidavit, for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises, and if the Court is satisfied as to the matter set forth in such affidavit, the Court may authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. A warrant for access may be issued by the Court upon affidavit of code official establishing the grounds therefor.
(Ord. 104-2006. Passed 11-20-06.)
- (h) PM-106.4 Violation Penalties. This section shall be amended to read as follows:
Whoever violates any provision of this Property Maintenance Code or fails to comply with any of its requirements shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 9-2008. Passed 2-4-08.)

1331.03 AMENDMENTS TO CHAPTER TWO OF THE ICC INTERNATIONAL
PROPERTY MAINTENANCE CODE.

Chapter Two of the ICC International Property Maintenance Code shall be amended as listed below:

- (a) PM-201.3 Terms Defined in Other Codes. This paragraph shall be amended to read as follows:

Where terms are not defined in this code and are defined in the codes legally adopted in this jurisdiction, such terms shall have the meanings ascribed to them as in those codes. (Ord. 97-2002. Passed 10-21-02.)

- (b) Blight. A condition of property or the uses of property in parts of a city, town, or neighborhood that are detrimental to the physical, social and/or economic well-being of a community. It can include abandoned buildings or those severely neglected by their owners, vacant lots full of rubble and garbage, or dangerous and/or illegal uses.

(Ord. 104-2006. Passed 11-20-06.)

1331.04 AMENDMENTS TO CHAPTER THREE OF THE ICC INTERNATIONAL
PROPERTY MAINTENANCE CODE.

Chapter Three of the ICC International Property Maintenance Code shall be amended as listed below:

- (a) PM-302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

- (b) PM-302.8 Motor Vehicles. This paragraph shall be amended to read as follows: In residential areas no vehicle of any type shall undergo overhaul, body work or painting. No vehicle of any type shall be in a state of major disassembly, disrepair, nor shall it be in the process of being stripped or dismantled. These provisions shall not apply to an occupant of a property working on a currently licensed vehicle registered to the occupant if the vehicle is within a building so as not to be visible from the street or neighboring properties.

Except for an automotive repair/service business or salvage yard legally operating under the requirements of the Zoning Code, no business premises shall contain any motor vehicles which are in a state of disrepair, major disassembly, nor any vehicle be in the process of being stripped or dismantled. Any automotive repair/service business or salvage yard legally operating under the requirements of the Zoning Code shall have a storage area conforming to PM-302.13 in which all vehicles which are in a state of disrepair, major disassembly, or in the process of being stripped or dismantled shall be stored.

- (c) PM-302.9 Defacement of Property. This paragraph shall be amended to read as follows:

Whenever the Code Official becomes aware of the existence of graffiti on any structure or improvement within the City, he shall give, or cause to be given as provided for in this code, to the owner of the property, written notice of such violation and requiring the graffiti to be removed.

If an owner fails to remove the graffiti within the time specified on the notice and order, the Code Official shall remove or cause to be removed the graffiti and may employ the necessary labor to perform such work or cause it to be done by the appropriate City department. This remedy shall be in addition to the penalty provided in Chapter 1.

All expense incurred by the removal of the graffiti, together with an administrative charge of \$50.00 for each notice processed, shall be reported to the Director of Finance, who shall mail a statement of the amount thereof to the owner of the property.

If after thirty (30) days, such amount remains unpaid, the Director of Finance shall certify the total amount of the expenses, the name of the owner of the land and a sufficient description of the premises to the County Auditor, to be entered on the tax duplicate, to be a lien on the land from the date of entry and to be collected as other taxes and assessments and returned to the City pursuant to O.R.C. 731.54 No person shall refuse to allow access to any premises for the purpose of removing graffiti or to interfere with the removal of such graffiti.

- (d) PM-303.14 Insect Screens. This paragraph shall be amended to read as follows: During the period from May 1 to September 30, 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 swinging door shall have a self-closing device in good working condition.
(Ord. 97-2002. Passed 10-21-02.)
- (e) PM-302.1.1 Maintenance of Exteriors of Property Areas. This section shall be added and shall read as follows:
The exterior of the property shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standard set forth in this Code and so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values.
- (f) PM-302.4.1 Landscaping. This section shall be added and shall read as follows:
Lawns, hedges, and bushes shall be kept free from becoming overgrown and unsightly where exposed to the public view and where the same constitute a blighting factor which depreciates any adjoining property. All yards, courts or lots shall be kept free of rubbish not appropriate to the area which may cause a fire hazard or may act as a breeding place for vermin or insects.
- (g) PM-302.10 Removal of all Miscellaneous Rubbish. This section shall be added and shall read as follows:
All yards, courts or lots shall be kept free of unsightly refuse/rubbish which may cause a fire hazard or may act as a breeding place for vermin or insects.

- (h) PM-303.1 General. This section shall be amended to read as follows:
The exterior of the premises, the exterior of residential and nonresidential structures, and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standard set forth in this code and so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values.
- (i) PM-303.13 Window, skylight and doorframes. This section shall be amended to read as follows:
Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. When the structure is unoccupied, windows shall be covered with standard residential window coverings to obscure visual observation of the interior of the structure from the street.
(Ord. 104-2006. Passed 11-20-06.)

1331.05 AMENDMENTS TO CHAPTER FOUR OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

There shall be no amendments made to the requirements of Chapter Four of the ICC International Property Maintenance Code.
(Ord. 97-2002. Passed 10-21-02.)

1331.06 AMENDMENTS TO CHAPTER FIVE OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

Chapter Five of the ICC International Property Maintenance Code shall be amended as listed below:

- (a) PM-506 Sanitary Drainage System. This Section should be deleted in its entirety (Refer to the 1963 Sylvania Building Code).
(Ord. 97-2002. Passed 10-21-02.)

1331.07 AMENDMENTS TO CHAPTER SIX OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

Chapter Six of the ICC International Property Maintenance Code shall be amended as listed below:

- (a) PM-602.2 Residential Occupancies. This paragraph shall be amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F (18° 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.
- (b) PM-602.3 Heat Supply. This paragraph shall be amended to read as follows:
Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms.
- (1) Exception to PM-602.3 Heat Supply. This paragraph shall be deleted in its entirety.
- (c) PM-602.4 Occupiable Work Spaces. This paragraph shall be amended to read as follows:
Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

- (d) PM-604.2 Service. This paragraph shall be amended to read as follows: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with locally adopted codes. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires. 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.
(Ord. 97-2002. Passed 10-21-02.)

1331.08 AMENDMENTS TO CHAPTER SEVEN OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

There shall be no amendments made to the requirements of Chapter Seven of the ICC International Property Maintenance Code.
(Ord. 97-2002. Passed 10-21-02.)

1331.09 AMENDMENTS TO CHAPTER EIGHT OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.

There shall be no amendments made to the requirements of Chapter Eight of the ICC International Property Maintenance Code.
(Ord. 97-2002. Passed 10-21-02.)

