

Akron, Ohio Housing Code

I. Introduction

The Environmental Health Housing Code of the City of Akron, Ohio (Title 15, Chapter 150) contains dwelling and maintenance requirements, provisions for the responsibilities of owners and occupants, and provisions for unfit dwellings. Section II summarizes the healthy housing provisions of the code. Section III provides relevant excerpts from the code.

II. Summary

Dwelling Requirements

Generally, each dwelling must meet the following requirements:

- Each dwelling must have adequate rubbish storage and garbage disposal facilities; and water-heating facilities capable of heating water to at least 120°F. § 150.08.E, F, G.
- Every “multiple dwelling” (more than two dwelling units) must have properly maintained smoke detectors and fire extinguishers. § 150.08.I, J.
- Every habitable room must have at least one open-able window or other device to “adequately ventilate the room.” § 150.09.B.
- Every bathroom must comply with the foregoing ventilation requirement, unless a proper ventilation system is used. § 150.09.C.
- Every dwelling unit must have heating facilities capable of maintaining an average temperature of 70°F in winter. § 150.09.E.
- During insect season, every door and window opening to the outdoors must have screens. § 150.09.G.
- Every basement window and other openings which might provide entry for rodents must have a screen or other device to prevent such entry. § 150.09.H.
- Every structure (foundation, floor, wall, ceiling, roof), window, and door must be “rodent-proof,” weathertight, watertight. § 150.10.A.
- Every kitchen and bathroom floor surface must be reasonably impervious to water, “to permit the floor to be easily kept in a clean and sanitary condition.” § 150.10.D.

Responsibility of Owners and Occupants

- Every owner of a dwelling containing two or more dwelling units must maintain the common areas “in a clean and sanitary condition.” § 150.12.A.
- Every occupant of a dwelling must keep his/her premises “in a clean and sanitary condition and in good repair.” § 150.12.B.
- Every occupant of a dwelling must dispose of his/her garbage, rubbish, and organic waste which might provide food for rodents “in a clean and sanitary manner,” by placing it in disposal facilities that meet code specifications. The owner of a dwelling with more than two units must supply the garbage disposal facilities or containers. § 150.12.C.
- Every occupant of a dwelling must hang all screens, except where the owner has agreed to do so. § 150.12.D.
- Every occupant of a dwelling with a single unit is responsible for extermination of insects, rodents, and other pests on his/her premises; and every occupant of a dwelling unit in a dwelling with more than one unit is responsible for extermination whenever her/his unit is

the only one infested. The owner is responsible for extermination when (a) infestation is caused by the owner's failure to keep the dwelling rat-proof or reasonably insect-proof, or (b) infestation occurs in the common area or in two or more units. § 150.12.E.

- Every occupant of a dwelling unit must keep plumbing fixtures therein in a clean and sanitary condition and exercise reasonable care using and operating the fixtures. § 150.12.F.

Unfit Dwellings

Dwellings are deemed "unfit for human habitation or use" when:

- They "have become so dilapidated, decayed, unsafe, unsanitary, or vermin infested . . . that they are unfit for human habitation or use or are so likely to cause sickness or disease that their condition constitutes a serious hazard to the health . . . safety, or general welfare of the occupants . . . ;
- They have "sanitation facilities which are inadequate to protect the health . . . safety, or general welfare" of occupants; or
- Because of "their general condition," they are "unsafe, unsanitary or otherwise dangerous to the health . . . safety, or general welfare of occupants"

§ 150.15.C.

III. Excerpts of the Law

City of Akron, Ohio Environmental Health Housing Code¹

Title 15 Land Usage

Chapter 150

§ 150.01 Definitions.

A. For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

"Basement." A portion of a building located partly or wholly underground.

"Dwelling." Any dwelling, dwelling unit, building, structure, rooming house, rooming unit, hotel, or other living quarters used, intended to be used or designed to be used, in whole or in part, for living or sleeping by human occupants, except that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

"Dwelling unit." Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, intended to be used or designed to be used for living, sleeping, cooking, and eating.

"Extermination." 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; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Department of Public Health.

"Fire prevention code." Chapter 93 of this code.

"Fire stairs." An exterior stairway twenty-two inches wide with handrails, and guardrails with intermediate balusters with access from either a thirty inches wide exterior door or an emergency escape window with a forty-four inches interior sill height, twenty inch minimum width, twenty-four inch minimum height with a total of 5.7 square foot

¹ Source: <http://municipalcodes.lexisnexis.com/codes/akron/>.

minimum and with wired-glass opening protection provided for all windows both above and below the path of the stairway.

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

"Habitable room." A room or enclosed floor space used, intended to be used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communication corridors, closets, and storage spaces.

"Health, Safety and Sanitation Code." Chapter 94 of this code.

"Housing code." The Environmental Health Housing Code.

"Housing Inspector." The Director of Health of the city or his authorized representative.

"Infestation." The presence, within or around a dwelling, of any insects, rodents, or other pests.

"Litter Code." Chapter 95 of this code.

"Multiple dwelling." Any dwelling containing more than two dwelling units.

"Occupant." Any person over one year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

"Operator." Any person who, alone or jointly or severally with others, has charge, care, or control of any premises, or part thereof, in which there are one or more dwelling units or rooming units, whether as owner, manager, agent of the owner, or due to conduct that demonstrates the person's position of responsibility concerning the dwelling or rooming unit.

"Owner." Any person who, alone or jointly or severally with others has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or is the vendor or vendee under a land contract, whether recorded or not, or is the executor, executrix, administrator, administratrix, trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.

"Person." An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

"Plumbing." 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 installed or connected to water, sewer, or gas lines.

"Premises." Not only the dwelling and any other building of any kind or nature located on the lot, but also the entire parcel of land surrounding the buildings, including, but not limited to, fences, walkways, walls, and appurtenances.

"Purchaser." Any person who, alone or jointly or severally with others, has entered into a contract to become the owner of any dwelling or dwelling unit, with or without accompanying actual possession thereof.

"Rental unit." A dwelling unit or rooming unit not occupied by the person with legal title.

"Rooming house." Any dwelling, or that part of any dwelling, containing one or more rooming units, including hotels, in which space is let by the owner or operator to three or more persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

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

"Rubbish." Combustible and noncombustible waste materials, except garbage, including 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, plastics, dust, and other like materials.

"Supplied." Paid for, furnished, or provided by, or under the control of, the owner or operator.

"Temporary housing." Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty consecutive days.

"Zoning Code." Chapter 153 of this code.

B. Whenever the words "dwelling," "dwelling unit," "rooming unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Provisions Omitted:

§ 150.011 Application of other codes.

§ 150.02 Entry and inspection.

§ 150.03 Notice of violation.

§ 150.031 Notice of violation requiring demolition.

§ 150.04 Housing Appeals Board.

§ 150.05 Hearings.

§ 150.051 Repair, vacation and demolition--Procedure--Remedy of City for noncompliance.

§ 150.06 Director of Health.

§ 150.07 Dwellings--Requirements.

No person shall own, operate, occupy, or let to another for occupancy, any dwelling for the purpose of living, sleeping, cooking, or eating therein, which does not comply with all of the applicable requirements of this chapter. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

§ 150.08 Equipment and facilities.

A. Kitchen Sink. Each dwelling unit shall contain a kitchen sink in good working condition and connected to a water and sewer system in an approved manner.

B. Water Closet--Lavatory. Each dwelling unit shall contain a room affording privacy and equipped with a flush water closet and a lavatory basin in good working condition and connected to a water and sewer system in an approved manner.

C. Bathrooms. Each dwelling unit shall contain a bathroom affording privacy and equipped with a bathtub or shower in good working condition and connected to a water and sewer system in an approved manner. The rooms mentioned in this subsection and subsection B of this section may be the same room.

D. Water Lines. Each kitchen sink, lavatory basin and bathtub or shower required under subsection A, B, and C of this section shall be connected with both hot and cold water lines in an approved manner.

E. Rubbish Storage. Each dwelling unit shall be supplied with adequate rubbish storage facilities in accordance with standards approved by the Housing Inspector.

F. Garbage Disposal. Each dwelling unit shall have adequate garbage disposal facilities in accordance with standards approved by the Housing Inspector.

G. Water Heating. Each dwelling unit shall be supplied with water-heating facilities installed in an approved manner, in safe working condition, connected with the hot water lines required under the provisions of §150.09(D)

of this chapter, and capable of heating water to such a temperature as to supply water to every connected kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 120°F. The water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities, required under the provisions of §150.09(E), are not in operation.

H. Means of Egress. Each dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

I. Smoke Detectors. Every multiple dwelling shall be equipped with audible smoke detector devices that are properly installed and maintained in an approved manner.

J. Fire Extinguishers. Every multiple dwelling shall be provided with fire extinguishers of a minimum classification and shall be maintained in a safe and approved operating condition.

K. Fire Stairs/Sprinkler System. Every multiple dwelling having habitable rooms located on floors exceeding two stories in height above grade, not counting basements, shall be provided with not less than two approved independent exits or exterior fire stairs from each floor above the second floor, fully accessible from each dwelling unit on the floor, or as an alternative, the entire dwelling shall be provided with a residential sprinkler system installed in accordance with National Fire Protection Association Standard #13R. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 282-1992; Ord. 181-1992; Ord. 205-1988; Ord. 113-1972)

§ 150.09 Light, ventilation, electricity, and heating.

A. Window Areas. Every habitable room shall have at least one window or ventilating skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of the room. Whenever walls or other portions of structures face a window of any such room and these light obstruction structures are located less than four feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in the room is a skylight window in the ceiling of the room, the total window area of the skylight shall equal at least eight percent of the total floor area of the room.

B. Ventilation. 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 of 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 window size, as required in subsection A of this section, except where there is supplied some other device affording adequate ventilation according to standards approved by the Housing Inspector.

C. Bathroom Ventilation. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections A and B of this section, except that no window or skylight shall be required in bathrooms and water closet compartments equipped with a ventilation system kept in operation and complying with standards approved by the Housing Inspector.

D. Electric Requirements. Where there is electric service available from power lines, every habitable room shall contain at least two separate wall-type electric outlets and such additional outlets as may be necessary to supply appliances used therein. Multiple converter plugs permitting two or more appliances to be plugged into the same outlet shall not be used. At least one receptacle of the grounding type shall be installed for connection of laundry appliances. Receptacles installed in or on open porches, breezeways, garages, and the like, which may supply electricity to equipment to be used by persons standing on the ground, shall be of the grounding type. Receptacle outlets in floors shall not be counted as part of the required number of receptacle outlets, unless they are located close to the wall. 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 water closet compartment and bathroom shall contain at least one supplied outlet. All wiring systems, outlets and fixtures shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe approved manner.

E. Heating Facilities.

1. Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of seventy degrees Fahrenheit in all habitable rooms, kitchens, bathrooms, and water closet compartments when the outdoor temperature is minus five degrees Fahrenheit, without forcing the facilities to operate in excess of their design capacity.

2. a. The owner or operator in charge of a dwelling, who rents or leases any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than seventy degrees Fahrenheit for each hour of the entire twenty-four-hour period of each day in all habitable rooms, bathrooms, water closet compartments, and kitchens, whenever the outside temperature falls below fifty degrees Fahrenheit. The inside temperature shall be measured in the approximate center of each room, approximately three feet above the floor, with the following exceptions:
- b. The owner of a hotel or apartment building shall furnish heat sufficient to maintain the following minimum temperatures: between the hours of 6:00 a.m. and 11:00 p.m., seventy degrees Fahrenheit; between the hours of 11:00 p.m. and 6:00 a.m., sixty-five degrees Fahrenheit.
- c. The requirements of this section do not apply to any lobby, corridor, stairway, or other similar area, nor to any room or suite of rooms not occupied by guests or tenants for pay, nor to any room or suite of rooms provided with a separate heating plant under the care and control of the tenant or occupant thereof.

F. Lighting of Halls and Stairways. All common halls and stairways in all multiple dwellings containing more than two dwelling units shall be adequately lighted at all times.

G. Screening. During that portion of each year when protection is necessary against mosquitoes, flies, or other insects, all doorways opening directly from a dwelling unit to outdoor space shall be supplied with screens and self-closing devices, and all windows or other devices with openings to outdoor space, used, intended to be used or designed to be used for ventilation, shall also be supplied with screens.

H. Rodent Protection. Every basement or cellar window, used, intended to be used or designed to be used for ventilation, and every other opening which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent entry by rodents into the building. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 205-1988; Ord. 113-1972)

§ 150.10 General maintenance.

A. Foundation, Floor, Wall, Ceiling, Roof, Chimney, Window, Door, and Premises.

1. Every foundation, floor, wall, ceiling, roof, and eave shall be reasonably weathertight, watertight, and rodent-proof and shall be kept in sound working condition and good repair.

2. All downspouts and gutters shall be properly installed in an approved manner and kept in sound working condition and good repair.

3. Every window, door, and basement hatchway shall be reasonably weathertight, watertight and rodent-proof, shall be capable of affording privacy and security, and shall be kept in sound working condition and good repair.

4. All exterior surfaces of buildings on a premises shall be clean and maintained in good repair so as to provide sufficient covering and protection of the structural surface underneath against deterioration, with paint, stucco, aluminum, vinyl siding or other approved exterior grade waterproofing materials, applied in an approved manner, and of a uniform color and appearance to match or complement the other structural surfaces on the premises.

Without limiting the generality of this section, an exterior surface of a building shall be deemed to be out of repair if the surface is blistered, cracked, flaked, scaled, or chalked away, or is loose or has fallen.

5. Every chimney, antenna and all parts thereof, both exterior and interior, shall be properly installed and maintained in a safe condition and in good repair.

6. Every fence, retaining wall, walkway, sidewalk and driveway shall be properly installed, maintained in a safe condition and in good repair.

7. The premises shall be free from hazards and conditions which might create a nuisance.

B. Stairs and Porches. Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe for 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. Where the absence of handrails creates a hazard, they shall be installed in an approved manner.

C. Plumbing Pipes. Every plumbing fixture and water and waste pipe shall be installed in an approved manner and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

D. Kitchen and Bathroom Floors. Every kitchen floor surface, 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 the floor to be easily kept in a clean and sanitary condition.

E. Functioning of Equipment. Every supplied facility, piece of equipment, or utility required under the provisions of this chapter shall be installed in an approved manner and shall be maintained in satisfactory working condition. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 205-1988; Ord. 730-1986; Ord. 893-1985; Ord. 113-1972)

§ 150.11 Space, use, and location requirements. (Omitted)

§ 150.12 Responsibility of owners and occupants.

A. Owner to Maintain Sanitary Conditions. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining, in a clean and sanitary condition, the common or public areas of the dwelling and premises thereof. Every owner of a vacant dwelling or premises shall keep the dwelling and premises in a clean and sanitary condition.

B. Occupant to Maintain Sanitary Condition. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition and in good repair that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

C. Disposal of Garbage and Rubbish. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, rubbish, and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage or rubbish disposal facilities or garbage storage containers required by §150.08(F) of this chapter. It shall be the responsibility of the owner to supply the facilities or containers for all dwelling units in a dwelling containing more than two dwelling units and for all dwelling units located on premises where more than two dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish the facilities or containers.

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

E. Rodent Extermination. 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 the extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof 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 common or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

F. Plumbing Fixtures. 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. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 205-1988; Ord. 113-1972)

§ 150.13 Rooming houses--Equipment and facilities. (Omitted)

§ 150.14 Hotels. (Omitted)

§ 150.15 Unfit dwellings or premises.

A. Any dwelling or premises that are at any time unfit for human habitation or use, unless made habitable, shall be taken down and removed when so ordered by the Housing Inspector.

B. Any dwelling or premises declared unfit for human habitation or use may be restored to a habitable condition.

C. Any dwelling or premises which has any of the following defects shall be deemed unfit for human habitation or use:

1. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
2. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or other residents of the city;
3. Those which have become so dilapidated, decayed, unsafe, unsanitary, or vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or use or are so likely to cause sickness or disease that their condition constitutes a serious hazard to the health, morals, safety, or general welfare of the occupants or other residents of the city;
4. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein;
5. Those having inadequate facilities for ingress and egress in case of fire, panic, or other emergencies, or those having insufficient stairways, elevators, fire escapes, or other means of communication;
6. Those which have parts thereof which are so attached that the parts may fall and injure occupants, other residents or other property;
7. Those which, because of their general condition or location, are unsafe, unsanitary or otherwise dangerous to the health, morals, safety, or general welfare of occupants or other residents of the city; or
8. Those existing in violation of any of the provisions of the Building Code, the Fire Prevention Code, or other ordinances of the city.

D. The Housing Inspector shall use the following standards in ordering a dwelling or premises to be repaired, vacated, or demolished:

1. When it can reasonably be repaired so that it will no longer exist in violation of any of the provisions of this chapter, it shall be ordered repaired;
2. When it is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated;
3. When it is sixty percent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where it cannot be repaired, or where the owner refuses or fails to repair the dwelling so that it will no longer be in violation of any of the terms of this chapter, it shall be demolished. In all cases where it is a fire hazard, existing or erected in violation of any of the terms of this chapter or any ordinances of the city, it shall be demolished. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

§ 150.16 Vacating unfit dwellings or premises.

Any dwelling or premises condemned as unfit for human habitation or use, and so designated and placarded by the Housing Inspector, shall be vacated within a reasonable time as ordered by the Housing Inspector. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

150.17 Public nuisance.

Any dwelling or premises condemned as unfit for human habitation or use, within the terms of this chapter, is declared to be a public nuisance, and shall be repaired, vacated, or demolished as provided in this chapter. Penalty, see §150.99. (Ord. 708-1997; Ord. 769-1996; Ord. 113-1972)

Additional Provisions – Omitted:

§ 150.18 Condemnation placard.

§ 150.20 Reoccupation.

§ 150.201 Entering a condemned dwelling.

§ 150.21 Discontinuance of utilities.

§ 150.22 Vacant dwelling.

§ 150.23 Removal of placard.

§ 150.24 Conflict and invalidity.

§ 150.25 Warranties and liability.

§ 150.30 Registration required.

§ 150.31 Transfer of registration.

§ 150.40 Rental unit mandatory inspection required.
§ 150.50 Operator required.
§ 150.99 Penalty.

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