

Housing Code City of Cincinnati, OHIO

Overview

The City of Cincinnati Building Code (Title XI of the Municipal Code) includes the city's Housing Code (Chapter 1117).¹ The Housing Code applies to all dwellings. See § 1117-05.1.

In short, the Housing Code states that “[a]ll residential buildings . . . shall be kept in good repair and free from unsafe, unclean and insanitary conditions . . .” § 1117-45.1. Generally, the *owner* is responsible for complying with the Housing Code. § 1117-67.3. The Code, however, specifically requires that *occupants* keep their premises “safe and sanitary”; dispose of “all rubbish, garbage, and other waste in a clean, safe, and sanitary manner”; and “keep all plumbing fixtures” in their dwellings “as clean as their condition permits.” § 1117-69.1.

In relevant part, the Housing Code generally requires the following:

- Proper smoke detectors must be supplied to residential occupancies. § 1117-15.6.
- Rooms must be “waterproof” and “dampproof”:
 - All residential rooms with “evidence that the floors, ceiling or walls are damp” due to “leakage, excessive condensation” or other cause must be “made waterproof and dampproof.” § 1117-21.1.
 - All surfaces of every toilet room must be constructed and maintained “to be substantially impervious to water” and permit the surfaces “to be easily kept in a clean and sanitary condition.” §§ 1117-27.4, 1117-49.3.
- Proper heating and water heating facilities must be provided:
 - Every dwelling must have proper water heating facilities capable of providing sufficient water “at a temperature of not less than 115° F.” under normal use. § 1117-33.1.
 - The owner or operator of a dwelling must provide heating facilities capable of safely heating rooms to a temperature of 70° F. § 1117-35.1.
- All spaces or rooms (including bathrooms) must have “sufficient natural or mechanical ventilation so as not to endanger health and safety.” § 1117-41.
- Screens must be supplied for basement windows and other openings whenever rodent infestation is evident. § 1117-41.5.
- Every owner or operator must exterminate any insects, rodents or other pests on the premises. § 1117-45.7.
- Foundations floors, roofs and exterior walls must be “reasonably free of holes, large cracks and any loose and deteriorated material,” and maintained to be reasonably “weathertight, and watertight.” § 1117-47.1.
- Interior walls, ceilings, floors and woodwork must be “kept free of large holes, large cracks, loose, flaky, peeling, unclean or insanitary conditions” – and walls, ceilings and floor of basements and cellars must be “maintained in a clean and sanitary condition.” §§ 1117-49.1, 1117-49.2.

¹ Chapter 1115 of Title XI, the city’s “One, Two and Three Family Dwelling Code,” applies to the “construction, alteration, repair, use, occupancy and maintenance” of detached single, two or three family dwelling houses and one-family townhouses. Title XI § 1115-01.

- The space beneath sinks and lavatories must be “left open unless equipped with doors or drawers which make it readily accessible for cleaning and maintenance.” Also, the “floor and wall surface beneath and around the sink and lavatory shall be kept in good order and repair.” § 1117-49.4.

The Housing Code²

Title XI Cincinnati Building Code (CBC)

Sec. 1117-01. Title and Administration.

1117-01.1 Title: This Chapter of the Cincinnati Building Code (CBC) shall be known as the "Housing Code" and may be cited as such.

1117-01.2 Administration: The administration of the Housing Code is governed by the applicable provisions of Chapter 1101 of the Cincinnati Building Code (CBC), the Administrative Code and the Cincinnati Municipal Code, with special reference to the following:

- (1) § 1101-07 Liberal Construction
- (2) § 1101-17 Permits;
- (3) § 1101-43 Inspection, General;
- (4) § 1101-61 Orders and Notice of Violations;
- (5) § 1101-65 Vacations;
- (6) § 1101-67 Vacation Notices;
- (7) § 1101-71 Failure to Comply With Orders;
- (8) § 1101-77 Obligations of Owners of Vacated Buildings;
- (9) § 1101-51 Penalties;
- (10) § 1101-57 Administrative Proceedings Preparatory to Demolition of Certain Buildings by Governmental Action;
- (11) § 1101-83 Appeals to the Board of Housing Appeals;
- (12) § 1101-45 Right of Entry and Credentials
- (13) Chapter 855 of the Cincinnati Municipal Code.

Sec. 1117-03. Definitions.

1117-03.1 Meaning: As used in Chapter 1117 CBC, the following words and terms shall have the meanings indicated in this section. Words and terms used and not specifically defined in this section but which are defined elsewhere in the Cincinnati Building Code, shall have the meanings defined in the CBC.

1117-03.2 Number and Gender: Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

Accessory sleeping quarters: A space or building which is an accessory to another occupancy and which is used as sleeping quarters for five or more persons.

Apartment: A suite of rooms with sanitation facilities, with or without cooking facilities, and occupied as the home or residence of a single family.

Approved: Approved by the director of buildings and inspections under the provisions of this Code or by any other authority designated by the law to give approval of the matter in question.

Bedroom: A sleeping room.

Dormitory: A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

Dwelling: A building occupied, arranged, intended, or designed to be occupied as an abode for one or more persons.

Dwelling unit: A suite of rooms providing complete living facilities for one family, including permanent provisions for living, dining, cooking, sleeping and sanitation.

² Source: <http://www.municode.com/resources/gateway.asp?pid=19996&sid=35>,
<http://www.cincinnati.org/resources/government.asp?section=1&category=21>, or
<http://www.ci.cincinnati.oh.us/council/pages/-3667/>.

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, trapping; or by such other methods as are accepted by the health department.

Family: An individual or any number of individuals related by blood or marriage; a group of not more than five individuals not so related; a group of not more than ten members of a religious order who live together in a single dwelling unit; or a group of not more than ten adults, the majority of whom are 60 years of age or older, who live together in a single dwelling unit, are all capable of self-preservation without assistance in the event of an emergency, and do not need to live in a supervised environment.

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

Habitable floor area: The net floor area within enclosing walls of a habitable room; however, built-in facilities such as beds, wardrobes, cabinets, kitchen units, or fixtures may count for not more than 10% of any required habitable floor area.

Habitable room: A room or enclosed floor space arranged for living, eating, or sleeping purposes, but does not include a basement recreation room in a single-family, two-family or three-family dwelling, a room used as a closet, toilet room, laundry, kitchenette, pantry, foyer, hallway, or other accessory floor space.

Hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

Household unit: An apartment.

Infestation: The presence, within or contiguous to a dwelling or premises, of insects, rodents, vermin or other pests in such numbers that the health of the occupant or occupants or the well-being of the community is endangered.

Kitchen: A space having a habitable floor area of 60 square feet, exclusive of cabinets and built-in features, and which is used for the cooking of food.

Kitchenette: A space having a floor area of less than 60 square feet, exclusive of cabinets and built-in features, and which is used for the cooking of food.

Lodger: A transient or temporary paying guest in the home of another person.

Multi-family apartment house: A building or portion thereof containing more than three dwelling units that cannot be classified as a multiple single family dwelling.

Multiple single family dwelling: A building or portion thereof containing more than three dwelling units where each unit has an independent means of egress and is separated by a one-hour fire separation assembly.

Multiple dwelling: A multi-family apartment house, hotel, motel, lodging house, dormitory, convent, monastery, rooming house for three or more roomers, and similar residential buildings or the portions of any building with mixed occupancy housing two or more families.

Occupant: Any person over one year of age (including owner or operator) living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or room used for rooming occupancy.

One-family dwelling: A building containing one dwelling unit with not more than two lodgers or boarders.

Operator: A person who has charge, care or control of a dwelling structure.

Owner: The owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building; or their duly authorized agents.

Person: An individual, and may include firms, corporations, and associations.

Premises: A lot, parcel or plot of land including the buildings or structures thereon.

Required: Demanded by some provision of the Housing Code.

Roomer: A paying guest in the home of another person. The term also includes any person who is not a member of the family of, nor related by blood, marriage, or legal adoption to the operator of a rooming house, to whom space is provided for sleeping purposes for pay.

Rooming house: Any dwelling, apartment or dwelling unit in which one or more rooming units are occupied by three or more roomers or lodgers, or in which three or more rooming units are kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay.

Rooming unit: A single room or group of rooms, without cooking facilities, and occupied or designed to be occupied by one or more roomers or lodgers.

Rubbish: Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Sanitation facilities: Water closet, lavatory, sink, and shower or bathtub.

Sleeping room: A room used primarily for sleeping by one or more persons.

Suite of rooms: Two or more rooms which are arranged to be used as a unit.

Supplied: Paid for, installed, furnished or provided by the owner or operator whether or not he charges tenants separately for a required facility installed or furnished by him.

Toilet room: A room or compartment devoted primarily to the use of a water closet, bathtub or shower.

Two-family dwelling: A building containing two dwelling units with not more than two lodgers or boarders per family but not more than 20 individuals.

Sec. 1117-05. Purpose.

1117-05.1 General: The purpose of this Housing Code is to establish minimum housing standards necessary for the preservation of the public safety, health, and general welfare in all buildings, portions thereof, or premises used or intended to be used for dwelling purposes; to assign the maintenance responsibility of owners, operators, and occupants of dwellings and accessory buildings; and to adopt the administrative and penalty provisions of Chapter 1101 CBC (Administration).

Sec. 1117-07. Scope.

1117-07.1 General: The provisions of this Housing Code are supplementary to the sections of Cincinnati Building Code that relate to the construction, use and maintenance of residential buildings, portions thereof, or premises used or intended to be used for human habitation. Every provision of this Housing Code which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. Housing conditions not in compliance with the requirements of this Housing Code are hereby deemed to be serious safety and sanitation hazards. Therefore, all the provisions of this Housing Code shall be retroactive and shall apply to all dwellings.

Sec. 1117-09. Application of Building Code.

1117-09.1 General: This Housing Code shall be deemed to be included within the reference to the Cincinnati Building Code.

Sec. 1117-11. Exits.

1117-11.1 General: Except as provided in §§ 1117-11.1 through 1117-11.6 CBC, every apartment and every rooming unit shall have two separate exits therefrom, or shall have access to at least two separate exits therefrom which are remote from each other. All exits shall be continuous and unobstructed and shall lead directly to a public way. Fire escapes may be utilized to provide additional required means of egress.

1117-11.2 One-, two-, and three-family dwellings: Only one exit is required from an apartment or rooming unit in:
(1) A one- or two-family dwelling not more than three stories in height;
(2) A three-family dwelling not more than three stories in height where each dwelling unit is provided with all means of egress independent and serving only that dwelling unit.

1117-11.3 Two-story rooming house: For rooming houses not more than two stories high, only one exit is required from an apartment or from a rooming unit.

1117-11.4 Multiple dwellings complying with Section 1005.2.1 OBC: For multiple dwellings complying with the requirements of Section 1005.2.1 OBC, only one exit is required from an apartment or from a rooming unit.

1117-11.5 Continuation of existing use: For multiple dwellings for which a permit was lawfully granted by the director of buildings and inspections after April 16, 1962, and prior to the effective date of this Code, and where such multiple dwellings were lawfully constructed and maintained with only one exit, only one exit is required from an apartment or rooming unit.

1117-11.6 Emergency escape: For multiple dwellings, which do not meet the requirements of §

1117-11.4 CBC, only one exit is required from an apartment or from a rooming unit where such apartment or rooming unit has direct access to a window meeting the following requirement.

- (1) Such window shall be openable to provide an unobstructed area of not less than 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches;
- (2) The sill of such window shall be not more than 44 inches above the finished floor of the room and the floor level of the room shall be not more than 14 feet above the grade directly below;
- (3) Such window shall be openable from the inside without the use of tools;
- (4) Bars, grills or screens placed over such window shall be removable from the inside without the use of a key, tool, or excessive force.

Sec. 1117-13. Lighting of Exits.

1117-13.1 General: Except as provided in § 1117-13.2 CBC, the exits of all multiple dwellings, including exterior open spaces to or through which exits lead, shall be provided with light as follows:

- (1) A level of not less than three foot candles of illumination measured at floor level shall be provided at all times during which the floor area served by such exit is occupied.
- (2) Where the required illumination is provided by artificial means, the owner shall maintain not less than one approved light at each floor in each stairhall and public hallway, and shall provide additional approved lights when necessary for safety.

1117-13.2 Nontransient residential buildings: In nontransient residential buildings not more than three stories in height, where the entire exit can be illuminated by any person at any floor at any time, the lights are required to be kept burning only from sunset until midnight.

1117-13.3 Artificial lights: If artificial lights are provided and then become extinguished without the knowledge or consent of the owner, the provisions of this section shall be deemed to be complied with if the lights are restored within a reasonable time.

Sec. 1117-15. Fire-Protective Features.

1117-15.1 General: Every three-family and multiple dwelling shall be protected with such fire-protective features as may be required for the adequate protection of the occupants thereof. The minimum requirements for such protection are as set out in §§ 1117-15.2 through 1117-15.7 CBC.

1117-15.2 Interior stairways: Any interior stairway serving more than one apartment, rooming unit or dwelling unit shall be enclosed with approved fire-resistive construction. Any doorway in said construction shall be protected by an approved door, which shall be well-fitted within the opening.

1117-15.3 Use of glass: No plain glass shall be used in any door or transom opening upon an interior stairway serving more than one apartment, rooming unit or dwelling unit. All such transoms shall be fixed or otherwise made nonopenable, and any existing glass in such doors, windows, or transoms shall be replaced with wired glass or an approved equivalent, or covered with an approved material.

1117-15.4 Fire doors: All required fire doors shall be equipped with approved self-closing devices, latches and keepers.

1117-15.4.1 Signing of fire doors: All required fire doors, except for those doors leading directly to apartments, rooming units or dwelling units, shall be designated with an approved sign with letters not less than one-half inch high, "FIRE DOOR KEEP CLOSED."

1117-15.5 Separation of occupancies: Residential occupancies shall be separated from other occupancies by approved fire-resistive construction.

1117-15.6 Smoke Detectors: Residential occupancies shall be supplied with an early fire warning system (smoke detectors) in accordance with Chapter 1235 (Fire Code) of the Cincinnati Municipal Code.

1117-15.7 Automatic Fire Detection Systems: All existing buildings or portions thereof of Group 1-1 (See Section 308.2 OBC) shall be provided with an Automatic Fire Detection System installed in accordance with Section 907.0 OBC or the building code in effect at the time of installation.

Sec. 1117-17. Access and Privacy.

1117-17.1 General: Access or privacy shall be provided as set out in §§ 1117-17.2 through 1117-17.5 CBC.

1117-17.2 Toilet rooms: Except for supplementary water closets, bathtubs and showers in single-family dwellings, water closets, bathtubs and showers shall be located within a toilet room. Supplementary water closets, bathtubs, and showers in single-family dwellings are not required to be located in toilet rooms. No toilet room shall provide sole access to another room.

1117-17.3 Required door: Every bedroom and toilet room shall be provided with a door which, when closed, shall afford privacy to a person therein.

1117-17.4 Access to toilet rooms: In every apartment or dwelling unit having two or more bedrooms, access to at least one toilet room shall be provided without passing through a bedroom.

1117-17.5 Public toilet rooms: Public toilet rooms, where permitted, shall be located so as to be readily accessible from public spaces. Separate toilet rooms shall be provided for each sex, to be accommodated and designated accordingly.

Sec. 1117-19. Space Requirements.

1117-19.1 Dwelling units: Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

1117-19.2 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

1117-19.3 Overcrowding: If any room used for residential purposes is overcrowded, the director of buildings and inspections may order the number of persons sleeping or living in said room to be reduced so that there shall be not less than the total area required in Table 1117-19 CBC, "Minimum Occupancy Area Requirements."

TABLE 1117-19 CBC
MINIMUM OCCUPANCY AREA REQUIREMENTS

Minimum Occupancy Area in Square Feet

TABLE INSET:

Space 1--2

Occupants 3--5

Occupants 6 or

More

Living room* No requirements 120 150

Dining room* No requirements 80 100

Kitchen 50 50 60

Bedrooms Must comply with § 1117-19.2

*Note: Combined living room-dining room spaces will be construed as meeting the requirements of this Table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

1117-19.4 It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

1117-19.5 Minimum ceiling heights: Habitable rooms shall have a clear ceiling height over the minimum area required by this Code at not less than 7 feet, except that in attics or top half-stories the ceiling height shall be not less than seven feet over not less than one-third of the minimum area required by this Code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

Sec. 1117-21. Waterproofing and Dampproofing Requirements.

1117-21.1 General: All rooms which are used for residence purposes in which there is evidence at any time that the floors, ceiling or walls are damp by reason of leakage, excessive condensation or any other cause which renders such rooms unfit for habitation, or where such rooms do not comply with all other applicable provisions of this Code, shall be made waterproof and dampproof and brought into compliance with this Code.

Sec. 1117-23. Habitable Rooms Below Grade.

1117-23.1 General: No room in an apartment or dwelling unit below grade shall be used as a habitable room if it does not comply with all the following requirements:

- (1) At least 50% of the required height of such room shall be above grade at walls which have required windows;
- (2) The finished grade shall be at least six inches below the window sill level; when areaways are used to reduce the finished grade, the width measured at right-angles to a building, of an areaway serving a required window, shall be not less than the depth of the sill of the window below the top of the areaway; areaways shall be drained in an approved manner;
- (3) Light and ventilation shall be provided in accordance with the requirements of §§ 1117-37, no window shall open directly upon a street, alley or public sidewalk, nor within three feet thereof, unless the window sill is at least two feet six inches above such street, alley or public sidewalk;
- (4) Every basement apartment or dwelling unit shall be so located that the required living room windows open upon required front or rear yards, or upon a side yard or court at least nine feet wide, measured at right angles to the building;
- (5) All floors and walls of habitable rooms below grade and in contact with the ground shall be of concrete or masonry and shall be made waterproof and dampproof in an approved manner.

Sec. 1117-25. Sanitation and Drainage.

1117-25.1 General: The sanitation and drainage of all residential buildings shall comply with the provisions of §§ 1117-25.1 through 1117-25.3 CBC.

1117-25.2 Sanitary equipment: Sanitary equipment, including sink drain boards, shall be constructed of approved materials having smooth and impervious surfaces free from concealed fouling spaces. Installation shall be as required in §§ 1117-27, 1117-29 and 1117-31 CBC and in accordance with the provisions of the Plumbing Chapter 1105 CBC.

1117-25.3 Sharing kitchen facilities not permitted: The sharing of kitchen facilities by two or more families or apartments shall not be permitted.

Sec. 1117-27. Toilet Rooms.

1117-27.1 General: Toilet rooms shall conform to the provisions of §§ 1117-27.2 through 1117-27.5.

1117-27.2 Number and kind of plumbing fixtures: Each apartment, each dwelling unit, each rooming house, each lodging house, and each story in which a dormitory or accessory sleeping quarters are located shall be provided with the number and kind of plumbing fixtures specified in Table 1117-29 CBC.

1117-27.3 Walls: The walls shall extend from the floor to the ceiling.

1117-27.4 Surfaces: All surfaces of every toilet room shall be constructed and maintained so as to be substantially impervious to water and so as to permit such surfaces to be easily kept in a clean and sanitary condition.

1117-27.5 Size of toilet rooms: All toilet rooms shall be large enough to accommodate fixtures contained plus not less than 18 inches of clear space in front of each fixture, and shall have clear ceiling heights of not less than six feet eight inches.

Sec. 1117-29. Plumbing and Plumbing Fixtures Required.

1117-29.1 General: Plumbing and plumbing fixtures for dwellings shall conform to the applicable provisions of the Plumbing Chapter 1105 CBC and Table 1117-29 CBC.

TABLE 1117-29 CBC
 PLUMBING FIXTURES REQUIRED
 TABLE INSET:

Occupancy Type and Number of Plumbing Fixtures Required - Note (b).
 Apartments without cooking facilities 1 water closet
 1 lavatory
 1 bathtub or shower
 Apartments with cooking facilities (dwelling units) 1 sink
 1 water closet
 1 lavatory
 1 bathtub or shower
 Hotels, motels, lodging houses, accessory sleeping quarters, and dormitories For persons not provided with private roominghouses, toilet rooms: Note (a)
 1 water closet for:
 1 to 10 Males
 Each additional 25 males: Note (e)
 Each additional 20 females
 1 urinal for:
 Each 25 males, where 11 to 150 males using the same toilet
 Each 50 males in excess of 150 males using the same toilet room
 1 lavatory for:
 1 to 12 persons: Note (c)
 Each additional 20 males
 Each additional 15 females
 1 bathtub or shower for:
 1 to 10 persons
 Each additional 30 persons
 1 drinking fountain for:
 Each 75 accessory sleeping persons: Note (f)
 All residential buildings Where plumbing fixtures in public toilet rooms are not accessible for use by employees on the premises or where the number of fixtures provided is inadequate for the number of tenants and employees to be accommodated plumbing fixtures for use by employees shall be provided in toilet rooms as follows: Note (a).
 1 water closet for each 25 males: Note (e)
 1 water closet for each 25 females: Note (e)
 1 lavatory for each 25 persons: Note (d)

Note (a): Separate public toilet rooms shall be provided for each sex, to be accommodated and designated accordingly.

Note (b): Where the required number of fixtures is determined according to a basic number of persons accommodated by one fixture, not less than one such fixture shall be provided for any fraction of such number of persons to be accommodated.

Note (c): Not less than one required lavatory shall be located in each public toilet room.

Note (d): For employees, at least one lavatory shall be provided in or adjacent to food preparation and similar spaces.

Note (e): Urinals may be substituted for one-third the required number of water closets.

Note (f): Drinking fountains or other equally adequate and sanitary drinking facility; drinking fountains shall not be located in public toilet rooms.

Sec. 1117-31. Connection of Fixtures.

1117-31.1 Water supply: All plumbing fixtures in every residential building shall be connected to an approved water supply.

1117-31.2 Sewer connection: All plumbing fixtures in every residential building shall be provided with a public sewer connection, or an approved private sewage disposal system.

1117-31.3 Hot and cold running water: All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water.

Sec. 1117-33. Water Heating Facilities.

1117-33.1 General: Every dwelling shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under § 1117-31 CBC. Such supplied water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, or shower, at a temperature of not less than 115° F. under normal use.

Sec. 1117-35. Heating Facilities.

1117-35.1 General: The owner or operator of any dwelling, other than those erected exclusively for summer use, shall provide heating facilities which are capable of safely heating all habitable rooms and toilet rooms to a temperature of 70° F., at a distance of three feet above the floor level at the center of the room when the outside temperature is 0° F. The owner or operator shall cause such heating facilities to be installed in an approved manner, safety maintained and in good working condition. It shall be an affirmative defense to a charge brought under this section that the tenant of the dwelling unit has agreed in writing to provide the required heating facilities for the unit occupied by that tenant. No landlord may evict a tenant or refuse to rent to a prospective tenant solely because the tenant fails to agree to provide the required heating facilities.

1117-35.2 Flue connections: All heating and water heating devices which burn gaseous, liquid or solid fuel shall be connected to an approved flue.

Exception: Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard "Z21.11.2 1978" or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.3 Flues to be clean and unobstructed: The owner of the dwelling shall be required to see that flues are clean and unobstructed, provided with a cleanout, and capable of providing the draft necessary to remove the products of combustion from heating or water heating equipment connected thereto.

1117-35.4. Sale of Space Heaters: It shall be unlawful to sell, offer for sale, or display for sale in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator.

Exception: Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard "Z21.II.2-1978" or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.5. Installation of Space Heaters: It shall be unlawful to install in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator without connecting such gas space heater to an approved flue in an approved manner.

Exception: Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard "Z21.11.2-1978" or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.6. Authority to Shut-Off Gas-Fired Space Heaters and Water Heaters: Whenever it shall appear on inspection that gas equipment used for space heating or water heating is discharging dangerous fumes, or is unsafe for use, and when, in the opinion of the director of buildings and inspections or other persons in the fire division or department of health authorized by the city manager, immediate action is necessary, they shall be authorized to shut off the supply of gas to the equipment by turning off the valve or cock to the equipment, or when required, by capping or plugging gas lines to the equipment or other mechanical means to accomplish shut off of gas to the equipment and attaching thereto a tag and seal out of service so as to make inoperative or to take any steps necessary in the interest of the public safety with or without notice to the owners of the property or equipment involved.

1117-35.7. Nonconforming Gas-fired Equipment: Whenever it shall appear on inspection that gas equipment used for space heating or water heating is in violation of any of the requirements of any section of this Code, or of any law or ordinance relating to the same subject matter, an order shall be issued to the owner or the person in control of the gas equipment to correct same. After such order and the failure of the owner or person in control of such gas equipment to correct the violation within the time specified in the order, the director of buildings and inspections or

other persons in the fire division or department of health authorized by the city manager, shall be authorized to shut off the supply of gas to the gas equipment in the manner herein provided.

1117-35.8. Sealing Device Not to Be Removed: It shall be unlawful to remove the tag, seal, cap, plug, or other mechanism or sealing device or to use or permit to be used any gas equipment which use has been ordered discontinued in accordance with § 1117-35.6 or 1117-35.7 CBC until such equipment is made to comply with the applicable provisions of the CBC and OBC.

Sec. 1117-37. Light and Ventilation, General.

1117-37.1 General: The provisions of this Code shall govern the minimum conditions and standards for the light and ventilation for the occupancy of a structure. All light and ventilation shall comply with the requirements herein prescribed insofar as they are applicable.

1117-37.2 Responsibility: The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this Code.

1117-37.3 Open space: An open space when used for the origin of light and ventilation shall be maintained unobstructed.

Sec. 1117-39. Light.

1117-39.1 General: All spaces or rooms shall be provided sufficient lights so as not to endanger health and safety.

1117-39.2 Habitable rooms: Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. A minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room, except in kitchens and dining areas when artificial light may be provided in accordance with the provisions of this Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

1117-39.3 Common halls and stairways: Every common hall in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt light bulb or a 15 watt fluorescent fixture.

1117-39.4 Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures. The director of buildings and inspections may require the walls and ceiling of any room to be painted a light color when necessary to improve its lighting.

1117-39.5 Minimum light: Whenever any room receives insufficient required natural light at noon on a bright day to provide a level of five footcandles of illumination on the majority of the area of such room, the director of buildings and inspections may declare such room unfit for human habitation and prohibit its use for living purposes.

Sec. 1117-41. Ventilation.

1117-41.1 General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

1117-41.2 Habitable rooms: Every habitable room, except kitchens and dining areas, shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least 45% of the minimum window area size required in § 1117-39.2 CBC.

1117-41.3 Toilet rooms: Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by § 1117-39.2 CBC except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

1117-41.4 Cooking facilities: Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

1117-41.5 Guards for basement windows: Whenever rodent infestation is evident, every basement or cellar window used or intended to be used for required ventilation, and every other opening to a basement which might provide entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 1117-43. Illumination and Electrical Work.

1117-43.1 Illumination: All portions of residential buildings, including attics, basements and cellars, shall be provided with approved electrical illumination adequate for the intended use of such area.

1117-43.2 Electrical work: All electrical installations, wire, apparatus and appliances for furnishing light, heat, power, or for other purposes which are deemed to be hazards as defined in § 1117-43.4 shall be corrected as set forth in Section 1117-43.5.2 through 1117-43.5.7 CBC, inclusive or discontinued as set forth in Section 1117-43.6 CBC.

1117-43.3 Existing Hazardous Wiring.

1117-43.3.1 General: When the wiring of an existing building is found to constitute a serious safety hazard, the director of buildings and inspections shall order the owner, agent, or person in charge of such building or structure to bring all wiring into substantial compliance with the minimum requirements of this code as set forth in 1117-43.5 CBC.

1117-43.4 Hazards Defined.

1117-43.4.1 General: For the purposes of this Chapter, serious safety hazards shall include, but not be limited to the following:

- (1) Over fusing (installation of overcurrent protective devices which exceed the approved circuit carrying capacity of the conductors), or bridging of required fuses;
- (2) Unapproved splices;
- (3) Overloaded services, feeder or branch circuits;
- (4) Extension cord abuse (extension cords used as permanent wiring);
- (5) Unprotected knife switches or other dangerous electrical equipment;
- (6) Defective permanent wiring;
- (7) Lighting fixtures with pull chain switches mounted above plumbing fixtures;
- (8) Brass shell sockets within reach of grounded surfaces.

1117-43.5 Minimum Facilities for Existing Structures.

1117-43.5.1 General: The conditions listed in 1117-43.5.2 through 1117-43.5.7 CBC shall be deemed to be the minimum facilities acceptable under this Code to correct hazardous conditions in existing buildings or other structures.

1117-43.5.2 Receptacle outlets: Every existing habitable room shall be provided with a minimum of one duplex receptacle outlet for each 55 square feet of floor area or fraction thereof. Required outlets shall not be spaced closer than 12 feet measured around the perimeter of the room.

1117-43.5.3 Appliance circuit: In existing residential occupancies, at least one appliance circuit of not less than 20 ampere capacity shall be installed as separate circuit in the area where cooking facilities have been installed when any new outlets are added in that area.

1117-43.5.4 Circuits related to floor area: In existing residential occupancies, there shall be at least one 15-ampere rated lighting circuit for each 575 square feet of floor area or one 20-ampere rated lighting circuit for each 765 square feet of floor area.

1117-43.5.5 Service equipment: Such equipment shall be of approved size for the load with a minimum of 60-ampere capacity.

1117-43.5.6 Overload protection: All lighting and appliance circuits of 30 amperes or less shall be protected by nontamperable fuses or circuit breakers of approved size.

1117-43.5.7 Hazardous wiring and devices: All wiring and electrical devices shall be of such nature as to be safe under normal conditions of use and free from all hazards apt to result in injury or fire. All hazardous wiring or equipment, as determined by the director of buildings and inspections, shall be removed.

1117-43.5.8 Fused panels: Existing fused panels, load centers and disconnects within medium base fuse holders shall have a non-removable insert installed that shall allow only the proper amperage fuse to be installed as sized for the branch wiring that is protected by that fuse.

1117-43.6 Service Supply for Existing Buildings or Other Structures.

1117-43.6.1 General: In existing buildings or other structures, when any unsafe wiring conditions as hereinafter described shall not have been corrected as ordered within the time given in the notice, the director of buildings and inspections may direct the person, firm or corporation supplying the electric service to the building to discontinue the service. It shall be unlawful for any person, firm, or corporation to continue such service or to restore same until furnished with a copy of a certificate of approval from the electrical inspection agency, or a directive of the director of buildings and inspections certifying that an inspection has been made, that all hazardous conditions have been corrected and that all wiring, apparatus, and feeders have been brought into substantial compliance with the minimum requirements of this code as set forth in Section 1117-43.5 CBC.

1117-43.7 Extensions to Power or Lighting Wiring.

1117-43.7.1 Existing buildings or structures: In existing buildings or other structures, the wiring may be extended within the same room or area in the type of wiring which the building was originally wired, provided that neither the existing wiring nor the additions thereto shall constitute a serious safety hazard. If there are no visible unsafe defects in the existing wiring, such existing wiring shall not be required to be changed, even if new service lines are required.

Sec. 1117-45. General Maintenance and Repair.

1117-45.1 Premises conditions: All residential buildings, and all parts thereof, together with the premises on which they are located, shall be kept in good repair and free from unsafe, unclean and insanitary conditions, so that all parts thereof shall function properly and provide approved conditions of safety and sanitary habitability.

1117-45.2 Supplied fixtures and equipment: Every plumbing installation, gutter and downspout, required supplied facility, piece of equipment, or utility shall be so constructed or installed that it will function safely, and shall be maintained in satisfactory working condition.

1117-45.3 Service or utility not to be shut off: No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this Housing Code to be removed or shut off from or discontinued for any occupied dwelling, let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

1117-45.4 Hardware for fire doors: All automatic and self-closing devices, and other hardware for required fire doors, or other opening protectives shall be maintained in good working condition.

1117-45.5 Unrestrained fire doors: No object shall be placed, and no restraining devices shall be installed so as to interfere with the proper functioning of a required fire door or other opening protective.

1117-45.6 Unused gas outlets: Each gas outlet, including a valve or cock outlet, that is not to be used immediately, and each unused gas illuminating fixture shall be removed and the line shall be securely closed gastight with a threaded plug or cap, or, in lieu thereof, the use of a quick-disconnect device that is listed by the American gas association, inc., laboratories.

1117-45.7 Insect and rodent control: Every owner or operator shall exterminate any insects, rodents or other pests on the premises.

Sec. 1117-47. Maintenance of Foundations Floors, Roofs and Exterior Walls.

1117-47.1 Weathertight: All foundations, floors, roofs and exterior walls of every dwelling shall be reasonably free of holes, large cracks and any loose and deteriorated material, and shall be maintained so as to be reasonably weathertight, and watertight.

1117-47.2 Protective coating: All exterior walls, woodwork and exposed metal portions of every dwelling that are inadequately protected against the weather due to lack of paint, or other approved protective coating shall be painted or otherwise protected against decay, corrosion, or deterioration.

1117-47.3 Improve visibility: In multiple dwellings, the walls of courts not built of light colored material shall, when necessary for improved visibility, be painted a light color and shall be so maintained.

Sec. 1117-49. Maintenance of Interior Walls, Floors and Ceilings.

1117-49.1 Cleanliness: All walls, ceilings, floors and woodwork of any room or hall shall be kept free of large holes, large cracks, loose, flaky, peeling, unclean or insanitary conditions. Whenever required by the director of buildings and inspections, all old wall coverings shall be removed from the rooms or halls and the walls and ceilings thoroughly cleaned and then repapered or painted.

1117-49.2 Interior surfaces: The walls, ceilings and floor of basements and cellars of all dwellings shall be maintained in a clean and sanitary condition.

1117-49.3 Surfaces of toilet rooms: All surfaces of every toilet room shall be constructed and maintained so as to be substantially impervious to water and so as to permit such surfaces to be easily kept in a clean and sanitary condition.

1117-49.4 Space beneath sinks: The space beneath sinks and lavatories shall be left open unless equipped with doors or drawers which make it readily accessible for cleaning and maintenance. The floor and wall surface beneath and around the sink and lavatory shall be kept in good order and repair.

Sec. 1117-51. Maintenance of Accessory and Appurtenant Structures.

1117-51.1 General: All accessory and appurtenant structures such as garages, sheds, fences, etc., shall be maintained in good repair and free from health, accident and fire hazards.

Sec. 1117-53. Vacant Lots.

1117-53.1 General: Whenever the maintenance of any vacant lot or lots without enclosing fences shall, in the opinion of the director of buildings and inspections, constitute a nuisance, he shall be authorized to compel the owner or agent in charge of any such lot or lots to enclose the same with a fence. Notice of the order of the director of buildings and inspections declaring a vacant or unenclosed lot or lots to be a nuisance shall be served upon the owner or any agent. If there is no resident owner or agent, the notice shall be served by mail addressed to the last known place of residence of the owner or agent. Any owner or agent failing to comply with such notice within 20 days from the date of serving, shall be subject to the penalty prescribed by the COBBC. In a situation of immediate danger, the director of buildings and inspections shall be authorized to cause such protective construction to be erected as he may consider necessary, and to charge the cost thereof to the owner.

Sec. 1117-55. Basement or Foundation Holes.

1117-55.1 General: When any building is removed, the basement or foundation hole shall be filled with non-combustible material and the lot shall be graded, or upon approval of the director of buildings and inspections the owner shall provide and maintain a fence adequate to prevent injury to the public.

Sec. 1117-57. Trees.

1117-57.1 General: Every tree, whether located on a vacant lot or on a lot improved with any building, structure or other facility, shall be maintained in a safe condition. When a tree or any part thereof becomes in such a condition as to constitute a hazard to life or property, the director of buildings and inspections may order the tree or hazardous portion thereof taken down and removed from the premises. Dead trees, or portions thereof, shall be considered prima facie evidence of an unsafe condition.

Sec. 1117-59. Railings.

1117-59.1 Balconies, porches and decks: All exposed sides of balconies, porches and decks more than 30 inches above the adjacent grade line shall have effective railings, guards, walls or panels. Such protective feature shall be not less than 30 inches high. The design of such protective feature shall be as conditions require for reasonable safety for those using the area.

1117-59.2 Inside stairs: All inside stairs more than four risers high shall have a substantial handrail on each side of same, except that for stairs 44 inches or less in width, where a handrail is required on one side only of the stairs if a wall, conforming balustrade, or guard is on the other side of the stairs.

1117-59.3 Outside stairs: All outside stairs more than four risers high normally used for ingress shall have a substantial handrail on at least one side.

1117-59.4 Height of railing: Handrails shall be not less than 30 inches nor more than 38 inches above the nosings of treads or landings.

1117-59.5 Areaways: Areaways over 24 inches in vertical depth shall be provided with protective grills, railings not less than 30 inches high, or by other means affording equivalent protection to persons.

1117-59.6 Walls: When retaining walls with a difference in grade level on either side of the wall in excess of four feet are located closer than two feet to a walk, path, parking lot or driveway on the high side, such retaining walls shall be provided with a 42-inch high guardrail constructed in accordance with Sections 1003.2.12 through 1003.2.12.2 OBC, or other approved protective measure.

Sec. 1117-61. Security Provisions.

1117-61.1 Doors: Every door providing access to a dwelling unit shall be made tight-fitting and shall be equipped with a permanently installed operable locking device maintained by the owner.

Exceptions:

- (1) Owner-occupied single-family dwellings including single-family dwellings occupied under a land contract.
- (2) Exit doors required by § 1117-11 CBC shall be equipped with operating locking devices readily openable from the side from which egress is to be made, without the use of a tool, excessive force, special knowledge, or the insertion of a key.

1117-61.2 Window openings: Every exterior window opening shall be equipped with a permanently installed operable locking or latching device, or by the installation of bars or grilles maintained by the owner.

Exceptions:

- (1) Owner-occupied single-family dwellings including single-family dwellings occupied under a land contract.
- (2) Window openings, when all portions of which are more than 10 feet vertically above grade or any easily accessible surface, and more than six feet horizontally from any easily accessible surface.
- (3) Window openings required to be operable for egress or ventilation by the CBC and OBC shall be equipped with latching devices, bars, or grilles only, which are openable or removable from the interior without the use of a key, tool, excessive force, or special knowledge.

Sec. 1117-63. Janitor, Custodian or Agent.

1117-63.1 Transient residential buildings: In any transient residential building in which the owner does not reside, the owner shall be required to have on the premises a janitor, custodian, agent, or other responsible person to take charge of the same.

1117-63.2 Nontransient residential buildings: In any nontransient residential building in which the owner does not reside, the owner shall be required to have a designated janitor, custodian, agent, or other responsible person to take charge of the same, and the name, address and telephone number of such designated person shall be conspicuously displayed on the premises.

Sec. 1117-65. Prohibited Uses of Dwellings.

1117-65.1 General: No live poultry or livestock shall be kept in any dwelling or part thereof. Any such fowl or animals kept on the same lot or premises with a dwelling shall be in accordance with the zoning code and the regulations of the board of health.

Sec. 1117-67. Responsibilities of Persons.

1117-67.1 General: Where in this Housing Code the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator, and occupant shall be as specified in §§ 1117-69 and 1117-71 CBC.

1117-67.2 Effect of contract: A contract between owner and operator, operator and occupant or owner and occupant, with regard to compliance with the provisions of this Housing Code shall not relieve any party of his direct responsibility under this Housing Code.

1117-67.3 Owner responsibility: Every owner shall be responsible for complying with all the provisions of this Housing Code, other than those specifically excepted.

Sec. 1117-69. Responsibilities of Occupants.

1117-69.1 General: Each occupant shall comply with all duties imposed upon occupant by the applicable provisions of all municipal codes, regulations, and ordinances, and in particular:

- (1) Keep that part of the premises which he occupies and uses safe and sanitary;
- (2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner; and
- (3) Keep all plumbing fixtures in the dwelling unit or used by tenants as clean as their condition permits.

1117-69.2 Violations by occupants: Any occupant who creates a condition which constitutes a violation of the standards established by Chapter 1117 of the Cincinnati Building Code may be punished for a violation in accordance with the penalty provisions of the Cincinnati Building Code, if the occupant fails to remedy the condition within a reasonable time after he receives notice of such violation, pursuant to § 1101-61 of the Cincinnati Building Code.

Sec. 1117-71. Responsibilities of Owners and Operators of Rooming Houses.

1117-71.1 Disposal of garbage and rubbish: Every owner or operator of every rooming house shall dispose of all garbage and rubbish in a clean and sanitary manner by placing it in approved storage facilities which are safe and sanitary.

1117-71.2 Extermination of insects and rodents: Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents or other pests in it or on the premises.

1117-71.3 Sanitation: Every operator of a rooming house shall be responsible for the sanitary maintenance of every part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

Sec. 1117-73. Swimming Pool Safety Devices.

Structures designed as or intended to be used as a swimming pool that can contain 24 inches or more of water in depth at any point, shall have an adequate enclosure surrounding the pool area.

Exception: Above ground pools with continuous walls 48 inches above adjacent grade need not be enclosed.

Provided, however, all access points shall be protected in a manner equivalent to the enclosure described below.

Enclosure: The enclosure shall extend not less than 48 inches above the ground, measured from the outside of the enclosure, at all points around the pool. All gates shall be self-closing and self-latching with latches placed at least 48 inches above the ground, measured from the outside of the enclosure.

Construction: The enclosure shall be constructed so as to prohibit the passage of a sphere larger than 4 inches in diameter through any opening or under the enclosure. The enclosure shall be designed to withstand a horizontal concentrated load of 200 pounds applied on a one-square-foot area at any point of the fence.

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