



Agenda for the Board of Building and Zoning Appeals
Special Meeting- Huron City Hall – Council Chambers
June 29 , 2023 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes (May 8, 23)**
- IV. Swearing in of those testifying before the Board**
*When testifying before the board, please step to the podium, **sign in**, and state your name and address for the record.
- V. New Business**

1) PPN 42-01067.000	531 Berlin Road- Condemned Property- Hearing Request- Section 1358.06
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- VI. Adjournment**



TO: Chairman Kath and Board Members
FROM: Erik Engle, Planning Director
RE: 531 Berlin
DATE: June 29, 2023

Current Zoning District: R-1 Parcel No.: 42-01067.000

Existing Land Use: Single Family Residential

Project Description- Requested Hearing Pursuant to Section 1358.06

The property owner, Nancy Hawk, has requested a hearing pursuant to Section 1358.06 to request an extension of time on a Code Enforcement order relative to property that has been condemned. The home has been vacant for some time and the owner is seeking additional time in order to remove personal property from the premises.

History

In May of 2022, the Zoning Department issued a Property Maintenance Violation Notice and Order to Correct relative to various exterior issues with the home at 531 Berlin Road. In June 2022, the case was turned over to the City Prosecutor and went to Huron Municipal Court.

In November 2022, an exterior inspection was performed and the house was in the same condition, debris in the yard was cleared.

In March 2023, an interior inspection was performed. Refer to letters (attached) issued to the owner via Certified Mail:

April 3, 2023- Condemnation Notice- 50-day time period specified to repair and make livable. Chapter 1358 code was provided with notice.

May 24, 2023- Notice documenting the 50-day time period had passed and no repairs were made, Pursuant to Section 1358.04, lien holder of record was given twenty-one (21) days to enter into an agreement with the city to remove or repair the structure. Chapter 1358 code was provided. Note: 1358.06 provides for 10-day period in which a hearing can be requested by the submission of an application to the BZA. Ms. Hawk signed for the certified May 24th notice on 5-31-23.

Ms. Hawk contacted the Building Official John Zimmerman to express that she would like additional time. Mr. Zimmerman advised the Zoning Department to contact Ms. Hawk and reiterate that she has the right to submit an appeal to the BZA 10 days from the date she received the notice. Zoning Inspector, Jeff Fantozzi contacted Ms. Hawk to advise her of such and met with her June 8, 2023 and gave her the BZA application. Ms. Hawk submitted the application on June 9, 2023.

Staff Recommendation

The code is vague relative to the basis of the Board's decision other than referencing the Housing Code (attached for reference). Specifically, Section 1355.03:

1355.03 ACTION UPON NOTICE.

After such hearing, the Board of Building and Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Housing Code and the rules and regulations adopted pursuant thereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 1353.04 shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. Any permit required by this Housing Code or required by any rule or regulation adopted pursuant thereto, shall be deemed to have been revoked if the Board of Building and Zoning Appeals after a hearing sustains the notice of suspension. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served.
(Ord. 1962-20. Passed 7-23-62.)

At this time, it has been over 70 days since the initial notice was issued. The owner has continued to have access to the home, although she has noted that it is difficult for her to be in the home for more than a few hours at a time due to the interior condition.

The city has also been contacted by Safe Guard Properties, a contractor working for PNC Bank, who have notified the city that the property is actively in foreclosure and are working with the city to establish an agreement to allow for repairs.

The Building Official has advised that he has no issue with an extension of time to allow the property owner additional time to remove her personal items. Planning & Zoning concur and have no objections to an extension of time to allow not only the owner the time, but to provide PNC Bank and their contractor, Safe Guard Properties, time to work with the city on the repairs needed to potentially abate the demolition action.

The city would recommend a thirty **(30) day extension** to provide the property owner time to retrieve personal items from the property and allow time with the bank to explore all options for the structure.

Motion Examples

[PLEASE STATE WHY YOU ARE APPROVING OR DENYING FOR THE RECORD]

Motion to **APPROVE** of a modification to the May 24, 2023 notice -day extension of time :

I make the motion to **approve** the request for a modification to the notice issued on May 24, 2023 by allowing an additional thirty (30) days to provide the property owner time to remove personal items from 531 Berlin Road. The testimony presented in this public hearing has shown that the appeal should be granted to allow for more time.

OR

Motion to **DENY** medication of the May 24, 2023 notice:

I make the motion to **deny** the request for a modification to the May 24, 2023 Notice seeking additional time relative to the demolition of 531 Berlin Road as sufficient testimony has **not** been presented in this public hearing.



CITY OF HURON
Planning & Zoning Department
417 MAIN STREET, HURON, OH 44839

THE BOARD OF BUILDING AND ZONING APPEALS APPLICATION
Completion of all applicable sections required. Incomplete applications will not be accepted.

We, the undersigned represent that we are the title owners of the following described property situated in the City of Huron, OH:

Applicant's Name NANCY M. HAWK

Property Owners' Name: NANCY M. HAWK

Address: 531 BERLIN RD.

City, State, Zip: HURON, OH 44839

Phone Number 419-602-0924 cell - no other

Email: NONE

Location of Project:

Lot/Parcel #: 42-010 67.000 Zoning District: _____

Address: 531 BERLIN RD. Huron, OH 44839.

Year purchased: 1991. Year the existing structure was constructed: 1955

Single Story Home: _____ Two Story Home: ☒

Provide a brief summary of your proposed project:

TO EXTEND TIME FRAME TO CLEAN OUT
PERSONAL POSSESSIONS -

Type:

- Area Variance: Subdivision Regulations _____ Parking _____ Setbacks _____
Height _____ Size _____ Flood Plain _____
- Use Variance: _____

Conditionally Permitted Use: _____

We request a Hearing before the Board of Building and Zoning Appeals of the City of Huron, Ohio, on the following question: *(State the specific details of the variance being requested. Example: Area variance- 1' side setback variance is required for the proposed addition; Use Variance- State the type of use; or Conditionally Permitted Use approval)*

Conditionally Permitted Use Approval

The following uses shall be permitted only if authorized by the Board of Building & Zoning Appeals in accordance with the provisions of Section 1139.02. State the type of use being proposed and the applicable code section:

Code Section: _____
(skip to Page 7, Sign and Date Application)

Use and/or Area Variance Questionnaire

1. The property in question [will/will not] yield a reasonable return and there [can/ cannot] be a beneficial use of the property without the variance because:

2. The variance is [substantial/insubstantial] because:

3. The essential character of the neighborhood [would/would not] be substantially altered or adjoining properties [would/would not] suffer a substantial detriment as a result of the variance because:

4. The variance [would/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)

5. The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased:_____. Year the structure(s) was constructed:_____.

6. The applicant's predicament feasibly [can/cannot] be resolved through some method other than a variance.
7. The spirit and intent behind the zoning requirement [would/would not] be observed and substantial justice [done/not done] by granting the variance because

8. We believe the request should be granted due to the following hardship which is created by the property: (explain the hardship that exists *pursuant to the code*)

I hereby certify that I am the owner of record of the named property or that the proposed work is authorized by the owner of record and/or I have been authorized to make this application as an authorized agent and agree to conform to all applicable laws, regulations, and ordinances of the city. I certify all information contained within this application and supplemental documents are true and accurate to the best of my knowledge and belief.

In addition, I, the undersigned responsible party (owner, occupant, tenant, or agent for the property owner) of the property described herein, do hereby consent to entry upon said property, at a reasonable time and to the extent necessary, by the City of Huron and its officers, employees, and/or agents for the purpose of inspecting said property for compliance with the City's Zoning and/or Building Codes. I further certify that I have authority to grant access to said property.

Date: 6-9-23 Signed Applicant Nancy M. Hawk

Date: 6-9-2023 Signed Property Owner Nancy M. Hawk
(REQUIRED)

ZONING DEPT. USE ONLY

Date received: 6/9/23 Application Complete _____

\$150 filing fee received: _____

Comments _____ Hearing Date TBB

6-9-2023

To whom it may concern:

I Nancy M. Hawk have a home at 531 Berlin Rd. Huron. I have lived there 30 years until recently. I moved out as my home was condemned as unsafe by the

for various reasons but mostly for black mold which was caused by a leak in the roof. I had ~~gaty~~^{had} 6 different roofers to look at it and all prices were over \$20,000.⁰⁰.

I could not get a bank loan as I did not qualify for one. I am 77 yrs old in July and I am a widow for 16 yrs. I am in ill health (with RA). I left my job in 2009 when my company closed.

I am here to ask for more time to remove my belongings from my home. I have been

Ch. 7. 1 d

When you are in a room at

the end of the day, the air is

not fresh, and it is not

the same as when you first

enter the room. The air is

stagnant, and it is not

the same as when you first

enter the room. The air is

stagnant, and it is not

the same as when you first

enter the room. The air is

stagnant, and it is not

the same as when you first

enter the room. The air is

stagnant, and it is not

the same as when you first

at it since April (2023). I can only stand to be in the house for 3 hrs at a time. I think I am 3/4 of the way thru and need 'til at least the end of July to finish.

I still have more photos and mementoes of many happy times of life here in Huron to remove.

Notes: New windows in most of house in 2004.

Basement never had water in it.
(Til roof leaked)

House was built before 1955 per neighbors who live around the house.
May have been remodeled in 1955.

1. What is the main purpose of the study?

1. What is the main purpose of the study?

2020-2021

2000-2001: 1.5% increase in GDP

1. What is the main purpose of the study?

7. $2x^2 - 3x + 1 = 0$



TRUSTEES

Gordon B. Hahn
Mary K. Schlessman
Edward E. Wimmer

**HURON TOWNSHIP
BOARD OF TRUSTEES**

1820 BOGART RD. • HURON, OHIO 44839
(419) 433-2755

FISCAL OFFICER

Matthew S. Dewey

BUILDING OFFICIAL

John A. Zimmerman

May 24, 2023

Nancy Hawk
531 Berlin Road
Huron, Ohio 44839

National City/PNC Bank
B6YM13017
P.O. Box 1804
Dayton, Ohio 45401-1804

**REF: 531 Berlin Road, Huron, Ohio 44839
Parcel #42-01067.000**

TO WHOM IT MAY CONCERN:

On April 3, 2023, the above referenced structure was condemned by the City of Huron as a result of an inspection by City personnel. Fifty (50) days were given to make the structure safe and to bring the structure into compliance with the City Housing Code. This was not done. As a result, the City will begin the removal process in accordance with Chapter 58 of the Codified Ordinances of the City of Huron. (copy attached)

As per Subsection 1358.04 of the above referenced Chapter, you, as a lien holder of record, are being given twenty-one (21) days from the date of this Notice, to enter into an agreement with the City to remove or repair the insecure, unsafe, or structurally defective building.

Should you or your legal counsel have any questions pertaining to this Notice, please contact me at 419-433-2755.

A handwritten signature in blue ink, appearing to read "John A. Zimmerman".

John A. Zimmerman
Building Official

Attachment: (Chapter 1358)

cc: Huron City Zoning Dept.
Huron City Law Dept.
Huron Fire Dept.

CITY OF HURON CODIFIED ORDINANCE
CHAPTER 1358 Removal of Unsafe Buildings

1358.01 COMPLIANCE REQUIRED.

The removal and repair of insecure, unsafe or structurally defective buildings or other structures shall be carried out in compliance with the requirements set forth in this chapter. (Ord. 1973-24. Passed 5-14-73.)

1358.02 STRUCTURALLY DEFECTIVE BUILDINGS MAY BE REMOVED. Any dwelling, dwelling unit, building or other structure, which, upon inspection by the Building Official, is found to be so insecure, unsafe or structurally defective as to be dangerous or create a hazard detrimental to the public health, safety or welfare may be removed by the City from the land upon which the same is situated. (Ord. 1973-24. Passed 5-14-73.)

1358.03 NOTICE OF INTENT. Prior to removal, the City, acting through the Building Official, shall give notice of the intention of the City to remove the insecure, unsafe or structurally defective building. Such notice of intent shall be by certified mail to the holders of legal or equitable liens of record upon the real property on which such building is located and to the owners of record, at least thirty days prior to the removal. (Ord. 1973-24. Passed 5-14-73.)

1358.04 AGREEMENT OF LIENHOLDERS. The holders of liens of record upon such property may enter into an agreement with the City within the period specified in the notice, to remove or repair the insecure, unsafe or structurally defective building. (Ord. 1973-24. Passed 5-14-73.)
January 2023

1358.05 COSTS PLACED ON TAX DUPLICATE. The total cost, whether such costs are incurred due to the use of employees, materials and equipment of the City or by contract for labor, materials and equipment, or both, of removing insecure, unsafe or structurally defective buildings or other structures, including the costs of service of publication or notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate. Such costs shall be a lien upon such lands from and after the date of entry and shall be collected as other taxes. (Ord. 1973-24. Passed 5-14-73.)

1358.06 HEARING. Any person affected by the notice to remove an insecure, unsafe or structurally defective building or other structure may request a hearing before the Board of Building and Zoning Appeals if the request for hearing is filed with the Board within ten days from the date of notice of intent. Such hearing and procedures shall be governed by the provisions set forth in Chapter 1355. (Ord. 1973-24. Passed 5-14-73.)



June 20, 2023

Nancy Hawk
531 Berlin Road
Huron, Ohio 44839

Nancy Hawk
c/o Gene Yeager
401 N. Ohio Ave. Suite E
Fremont, Ohio 43420

REF: 531 Berlin Road (Parcel #42-01067.000)
Huron, Ohio
Code Enforcement Appeal (Chapter 1355)

Dear Ms. Hawk:

This letter will confirm receipt of your June 9th, 2023 Building and Zoning Appeals Application to request a hearing for an extension of time to the condemnation order to allow for the removal of personal property from 531 Berlin Road property and to provide written confirmation that your hearing been scheduled for **Thursday, June 29, 2023 at 5:30pm** at City Hall, 417 Main Street, Huron OH 44839 in the City Council/Court Room.

1355.02 APPEAL; HEARING AND NOTICE. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00). Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.



Pursuant to the above Code Section, the Building and Zoning Appeals Board will hear your testimony related to your request for an extension.

If you have any questions regarding this hearing, please feel free to reach out to our office.

Sincerely,

Jeff Fantozzi
Zoning Inspector

cc: John Zimmerman, City of Huron Building Official
Erik Engle, City of Huron Planning Director



TRUSTEES

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Mary K. Schlessman
Edward E. Wimmer

**HURON TOWNSHIP
BOARD OF TRUSTEES**

1820 BOGART RD. • HURON, OHIO 44839
(419) 433-2755

FISCAL OFFICER

Matthew S. Dewey

BUILDING OFFICIAL

John A. Zimmerman

April 3, 2023

Nancy Hawk
531 Berlin Road
Huron, Ohio 44839

**REF: 531 Berlin Road (Parcel #42-01067.000)
Huron, Ohio**

Dear Ms. Hawk:

On Monday, March 27, 2023, interior and exterior inspections were conducted on the above referenced property by personnel of the Huron Fire Department, Huron Zoning Department, and me in my capacity as the City Building Official and Housing Inspector. We were accompanied on the inspection and given verbal permission to conduct the inspection by you as the owner of the property.

During the inspection, we found unsanitary and unsafe conditions both inside and outside the structure. During the March 27, 2023, inspection, the dwelling unit was found to be unsanitary and a danger to the occupant and emergency personnel that may be asked to respond there. As a result, and in accordance with Chapter 1357 of the Codified Ordinance of the City of Huron, the structure is being Condemned and will be posted as such. Please refer to the attachment (Chapter 1357) for the requirements of this and your right to request a hearing before the Board of Building and Zoning Appeals. If you decide to request a Hearing, it must be done within ten (10) days of your receipt of this Notice and in accordance with Chapter 1355 (Copy Attached)

If the structure is not repaired and made "livable" within 50 days from the date of this Notice, the City will begin the process of removing the structure in accordance with Chapter 1358 of the Codified Ordinances of the City.

If you or your legal counsel have any questions, please contact my office at 419-433-2755.

A blue ink signature of John A. Zimmerman, written over a horizontal line.

John A. Zimmerman
Building Official

Cc: City of Huron Fire Dept.
City of Huron Zoning Dept.
City of Huron Law Dept.

Attachments: 2

CHAPTER 1355
Appeal, Hearing and Variances

1355.01	General powers of Appeal Board.	1355.05	Procedural rules; quorum.
1355.02	Appeal; hearing and notice.	1355.06	Powers of interpretation.
1355.03	Action upon notice.	1355.07	Variances.
1355.04	Proceedings at hearings; findings.		

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. § 7.02
 Appeals from administrative agencies - see Ohio R.C. Ch. 2506
 Contents and service of violation notice - see BLDG. 1353.04

1355.01 GENERAL POWERS OF APPEAL BOARD.

The Board of Building and Zoning Appeals, as created in Section 7.02 of the City Charter, shall conduct hearings and exercise functions as authorized by this Title Seven, the Housing Code. (Ord. 1962-20. Passed 7-23-62.)

1355.02 APPEAL; HEARING AND NOTICE.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00).

Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. (Ord. 1962-20. Passed 7-23-62.)

1355.03 ACTION UPON NOTICE.

After such hearing, the Board of Building and Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Housing Code and the rules and regulations adopted pursuant thereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 1353.04 shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. Any permit required by this Housing Code or required by any rule or regulation adopted pursuant thereto, shall be deemed to have been revoked if the Board of Building and Zoning Appeals after a hearing sustains the notice of suspension. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served.
(Ord. 1962-20. Passed 7-23-62.)

1355.04 PROCEEDINGS AT HEARINGS; FINDINGS.

The proceedings at such hearings, including the findings and decision of the Board of Building and Zoning Appeals, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Department of Building and Housing Inspection. The findings, decisions and orders of the Board of Building and Zoning Appeals shall be final. Such record shall also include a copy of every notice or order issued in connection with the matter.
(Ord. 1962. Passed 7-23-62.)

1355.05 PROCEDURAL RULES; QUORUM.

The Board of Building and Zoning Appeals shall adopt rules of procedure not inconsistent with this Housing Code. No member of the Board shall take part in any hearing or determination in which he has a personal or financial interest. Four members of the Board in attendance at any meeting shall constitute a quorum. (Ord. 1962-20. Passed 7-23-62.)

1355.06 POWERS OF INTERPRETATION.

The Board of Building and Zoning Appeals shall interpret the intent of this Housing Code and any rules or regulations adopted pursuant thereto. (Ord. 1962-20. Passed 7-23-62.)

1355.07 VARIANCES.

The Board of Building and Zoning Appeals shall permit a reasonable minimum variance from the applicable section of this Housing Code when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this Housing Code. All decisions to permit a variance under this section shall be by a majority of the members voting.
(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1357
Condemnation Proceedings

1357.01	Compliance.	1357.05	Tampering with or removing
1357.02	Dwellings unfit for habitation.		placard.
1357.03	Vacation of premises.	1357.06	Hearing.
1357.04	Reoccupancy of dwelling.		

CROSS REFERENCES

Housing Code definitions - see BLDG. Ch. 1351

Enforcement, inspection, notice and penalty - see BLDG.
Ch. 1353

Appeal, hearings, variances - see BLDG. Ch. 1355

Owner's and occupant's responsibility - see BLDG. Ch. 1367

1357.01 COMPLIANCE.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unit, dwelling or dwelling units shall be carried out in compliance with the requirements set forth in this chapter.
(Ord. 1962-20. Passed 7-23-62.)

1357.02 DWELLINGS UNFIT FOR HABITATION.

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

- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which because of its general condition is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- (Ord. 1962-20. Passed 7-23-62.)

1357.03 VACATION OF PREMISES.

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Housing Inspector, shall be vacated within a reasonable time as ordered by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1357.04 REOCCUPANCY OF DWELLING.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by, the Housing Inspector. The Housing Inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated. (Ord. 1962-20. Passed 7-23-62.)

1357.05 TAMPERING WITH OR REMOVING PLACARD.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 1357.04. (Ord. 1962-20. Passed 7-23-62.)

1357.06 HEARING.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling, dwelling unit, rooming house or rooming unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Building and Zoning Appeals, under the procedure set forth in Chapter 1355. (Ord. 1962-20. Passed 7-23-62.)



June 20, 2023

Nancy Hawk
531 Berlin Road
Huron, Ohio 44839

Nancy Hawk
c/o Gene Yeager
401 N. Ohio Ave. Suite E
Fremont, Ohio 43420

**REF: 531 Berlin Road (Parcel #42-01067.000)
Huron, Ohio
Code Enforcement Appeal (Chapter 1355)**

Dear Ms. Hawk:

This letter will confirm receipt of your June 9th, 2023 Building and Zoning Appeals Application to request a hearing for an extension of time to the condemnation order to allow for the removal of personal property from 531 Berlin Road property and to provide written confirmation that your hearing been scheduled for **Thursday, June 29, 2023 at 5:30pm** at City Hall, 417 Main Street, Huron OH 44839 in the City Council/Court Room.

1355.02 APPEAL; HEARING AND NOTICE. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00). Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.



Pursuant to the above Code Section, the Building and Zoning Appeals Board will hear your testimony related to your request for an extension.

If you have any questions regarding this hearing, please feel free to reach out to our office.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Fantozzi". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Jeff Fantozzi
Zoning Inspector

cc: John Zimmerman, City of Huron Building Official
Erik Engle, City of Huron Planning Director

TITLE SEVEN - Housing Code

- Chap. 1351. Definitions.
- Chap. 1353. Enforcement, Inspections, Notice and Penalty.
- Chap. 1355. Appeal, Hearing and Variances.
- Chap. 1357. Condemnation Proceedings.
- Chap. 1358. Removal of Unsafe Buildings.
- Chap. 1359. Basic Equipment and Facilities.
- Chap. 1361. Light, Ventilation and Heating.
- Chap. 1363. Safety and Sanitation.
- Chap. 1365. Space, Height and Use.
- Chap. 1367. Responsibility of Owners and Occupants.
- Chap. 1369. Transient Rental Property.

CHAPTER 1351

Definitions

- 1351.01 Title, purpose and application of terms.**
- 1351.02 Bathroom.**
- 1351.03 Basement.**
- 1351.04 Cellar.**
- 1351.05 Dwellings.**
- 1351.06 Dwelling unit.**
- 1351.07 Extermination.**
- 1351.08 Garbage.**
- 1351.09 Habitable room.**
- 1351.10 Health Commissioner.**
- 1351.11 Housing Inspector.**
- 1351.12 Infestation.**
- 1351.13 Occupant.**
- 1351.14 Operator.**
- 1351.15 Owner.**
- 1351.16 Person.**
- 1351.17 Plumbing.**
- 1351.18 Rooming unit.**
- 1351.19 Rubbish.**
- 1351.20 Safe load.**
- 1351.21 Supplied.**

1351.01 TITLE, PURPOSE AND APPLICATION OF TERMS.

- (a) Title Seven shall be known as the Housing Code.
- (b) The purpose of the Housing Code is to establish minimum standards of hygiene and sanitation governing the condition, maintenance and space occupancy of dwellings; to establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for occupants of dwellings; to establish minimum standards governing the condition of dwellings offered for rent; to fix certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.
- (c) The definitions in this chapter shall apply in the interpretation and enforcement of this Title Seven, the Housing Code.
- (d) Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used herein they shall be construed as though they were followed by the words "or any part thereof".
- (e) "Housing Code" as used herein means the provisions of Title Seven of the Building Code. (Ord. 1972-2. Passed 1-10-72.)

1351.02 BATHROOM.

"Bathroom" means a room which affords privacy to a person within such room, and is equipped with a flush water closet, a lavatory basin and a bathtub or shower. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a sewer and water system approved by the Housing Inspector.
(Ord. 1971-43. Passed 7-26-71.)

1351.03 BASEMENT.

"Basement" means that portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see Cellar).
(Ord. 1971-43. Passed 7-26-71.)

1351.04 CELLAR.

"Cellar" means that portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.
(Ord. 1971-43. Passed 7-26-71.)

1351.05 DWELLINGS.

- (a) "One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.
- (b) "Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family but not more than twenty individuals.

- (c) "Multi-family-apartment house" means a building containing more than two dwelling units.
- (d) "Boarding house", "lodging house" or "tourist house" means a building arranged or used for lodging with or without meals, for compensation, for more than five and not more than twenty individuals.
- (e) "Dormitory" means a building arranged or used for lodging six but not more than twenty individuals and having common toilet and bathroom facilities.
- (f) "Hotel" means a building arranged or used for sheltering, sleeping or feeding, for compensation, more than twenty individuals. (Ord. 1971-43. Passed 7-26-71.)

1351.06 DWELLING UNIT.

"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. (Ord. 1971-43. Passed 7-26-71.)

1351.07 EXTERMINATION.

"Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harboring places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the City Manager or the Health Commissioner. (Ord. 1971-43. Passed 7-26-71.)

1351.08 GARBAGE.

"Garbage" means the animal, vegetable or mineral waste from the handling, preparation, cooking and consumption of food. (Ord. 1971-43. Passed 7-26-71.)

1351.09 HABITABLE ROOM.

"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, pantries, foyers or communicating corridors, closets and storage spaces. (Ord. 1971-43. Passed 7-26-71.)

1351.10 HEALTH COMMISSIONER.

"Health Commissioner" means the legally designated health authority of the City or his authorized representative. (Ord. 1971-43. Passed 7-26-71.)

1351.11 HOUSING INSPECTOR.

"Housing Inspector" means the Building Official of the City or his duly authorized representative. (Ord. 1971-43. Passed 7-26-71.)

1351.12 INFESTATION.

"Infestation" means the presence, within or around a dwelling, of insects, rodents or other pests. (Ord. 1971-43. Passed 7-26-71.)

1351.13 OCCUPANT.

"Occupant" means any person living, sleeping or cooking in, or having actual possession of a dwelling unit or rooming unit. (Ord. 1971-43. Passed 7-26-71.)

1351.14 OPERATOR.

"Operator" means any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let. (Ord. 1971-43. Passed 7-26-71.)

1351.15 OWNER.

"Owner" means any person who, alone or jointly or severally with others:

- (a) Has legal or equitable title to any dwelling or dwelling unit, rooming house or rooming unit together with the right to control or possess the same. When any such dwelling, dwelling unit, rooming house or rooming unit has been sold under a land contract whereby the right to possession and duties of maintenance are vested in the purchaser, then such land contract purchaser is deemed to be the owner for the purposes of this Housing Code; or
- (b) Has charge, care or control of any dwelling or dwelling unit, rooming house or rooming unit, as agent of the owner, or as executor, executrix, administrator, administratrix, assignee, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(Ord. 1971-43. Passed 7-26-71.)

1351.16 PERSON.

"Person" means any individual, firm, corporation, association or partnership. (Ord. 1971-43. Passed 7-26-71.)

1351.17 PLUMBING.

"Plumbing" means and includes all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water and sewer lines. (Ord. 1971-43. Passed 7-26-71.)

1351.18 ROOMING UNIT.

"Rooming unit" means any room or group of rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes. (Ord. 1971-43. Passed 7-26-71.)

1351.19 RUBBISH.

"Rubbish" means combustible and noncombustible waste materials, except garbage. Rubbish includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust. (Ord. 1971-43. Passed 7-26-71.)

1351.20 SAFE LOAD.

"Safe load" means the minimum load indicated in Chapter 39 of the Regional Dwelling House Code as adopted in Chapter 1305 of this Building Code.

(Ord. 1971-43. Passed 7-26-71.)

1351.21 SUPPLIED.

"Supplied" means paid for, furnished or provided by or under the control of the owner or operator. (Ord. 1971-43. Passed 7-26-71.)

CHAPTER 1353

Enforcement, Inspections, Notice and Penalty

1353.01 Enforcement.

1353.02 Inspections; right of entry.

1353.03 Rules and regulations.

1353.04 Violation notice; contents and service.

1353.05 Enforcement by City Manager.

1353.06 Emergency orders.

1353.99 Penalty.

CROSS REFERENCES

Obstructing official business - see GEN. OFF. 525.07

Penalties applicable to misdemeanor classifications - see GEN. OFF. 501.99

Impersonation of public official - see GEN. OFF. 525.03

1353.01 ENFORCEMENT.

The provisions of this Title Seven, the Housing Code of the City, shall be enforced by the Housing Inspector.

(Ord. 1962-20. Passed 7-23-62.)

1353.02 INSPECTIONS; RIGHT OF ENTRY.

Upon presentation of proper credentials or proper identification, the Housing Inspector may enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him by this Housing Code. No person shall in any way obstruct, hinder, delay or otherwise interfere with the Housing Inspector in such entrance.

(Ord. 1962-20. Passed 7-23-62.)

1353.03 RULES AND REGULATIONS.

The Housing Inspector is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper enforcement of the provisions of this Housing Code, provided that such rules and regulations shall not be in conflict with the provisions or intent of this Housing Code. Such adopted rules and regulations shall have the same force and effect as the provisions of this Housing Code.

(Ord. 1962-20. Passed 7-23-62.)

1353.04 VIOLATION NOTICE; CONTENTS AND SERVICE.

Whenever the Housing Inspector determines that there is a violation of any provision of this Housing Code or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as provided. Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of the reasons why it is being issued;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent or the occupant by personal service.

If, after a diligent search, personal service cannot be made upon the owner, such notice may be served in the following manner.

- (1) By registered mail to the last known address with a request for return receipt; and
- (2) By posting such notice in a conspicuous place in or about the premises. (Ord. 1962-20. Passed 7-23-62.)

1353.05 ENFORCEMENT BY CITY MANAGER.

Whenever the Housing Inspector determines that there has been a violation of this Housing Code relative to any of the following four subjects, he shall advise the City Manager or the Health Commissioner of such violation. The City Manager shall take such enforcement action as is necessary to correct any such violation in accordance with the provisions of this Housing Code.

- (a) Private water supplies and private sewage disposal systems;
- (b) Methods of elimination of insects, rodents and other pests;
- (c) Location of receptacles for the storage of garbage and rubbish;
- (d) Methods of ventilation other than by windows and skylights.

This section does not preclude the City Manager from initiating independent action in the enforcement of matters relative to the above four subjects. (Ord. 1962-20. Passed 7-23-62.)

1353.06 EMERGENCY ORDERS.

Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public health and safety, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.

(Ord. 1962-20. Passed 7-23-62.)

1353.99 PENALTY.

Whoever violates any provision of this Title Seven, the Housing Code, or any lawful order, rule or regulation issued pursuant thereto, is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1355

Appeal, Hearing and Variances

1355.01 General powers of Appeal Board.

1355.02 Appeal; hearing and notice.

1355.03 Action upon notice.

1355.04 Proceedings at hearings; findings.

1355.05 Procedural rules; quorum.

1355.06 Powers of interpretation.

1355.07 Variances.

CROSS REFERENCES

Board of Building and Zoning Appeals created - see CHTR. § 7.02

Appeals from administrative agencies - see Ohio R.C. Ch. 2506

Contents and service of violation notice - see BLDG. 1353.04

1355.01 GENERAL POWERS OF APPEAL BOARD.

The Board of Building and Zoning Appeals, as created in Section 7.02 of the City Charter, shall conduct hearings and exercise functions as authorized by this Title Seven, the Housing Code. (Ord. 1962-20. Passed 7-23-62.)

1355.02 APPEAL; HEARING AND NOTICE.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Housing Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Board of Building and Zoning Appeals on all matters set forth in such notice; provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten calendar days after the day the notice was served. The filing fee for such petition shall be five dollars (\$5.00).

Upon the receipt of such petition, the Housing Inspector, acting as executive secretary to the Board, shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty days after the day on which the petition was filed; provided, that upon application of the petitioner, the Board of Building and Zoning Appeals may postpone the date of hearing for a reasonable time beyond such thirty day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Ord. 1962-20. Passed 7-23-62.)

1355.03 ACTION UPON NOTICE.

After such hearing, the Board of Building and Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Housing Code and the rules and regulations adopted pursuant thereto have been complied with. If the Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 1353.04 shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served. Any permit required by this Housing Code or required by any rule or regulation adopted pursuant thereto, shall be deemed to have been revoked if the Board of Building and Zoning Appeals after a hearing sustains the notice of suspension. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for a hearing is not filed in the office of the Housing Inspector within ten calendar days after such notice is served.

(Ord. 1962-20. Passed 7-23-62.)

1355.04 PROCEEDINGS AT HEARINGS; FINDINGS.

The proceedings at such hearings, including the findings and decision of the Board of Building and Zoning Appeals, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Department of Building and Housing Inspection. The findings, decisions and orders of the Board of Building and Zoning Appeals shall be final. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Ord. 1962. Passed 7-23-62.)

1355.05 PROCEDURAL RULES; QUORUM.

The Board of Building and Zoning Appeals shall adopt rules of procedure not inconsistent with this Housing Code. No member of the Board shall take part in any hearing or determination in which he has a personal or financial interest. Four members of the Board in attendance at any meeting shall constitute a quorum. (Ord. 1962-20. Passed 7-23-62.)

1355.06 POWERS OF INTERPRETATION.

The Board of Building and Zoning Appeals shall interpret the intent of this Housing Code and any rules or regulations adopted pursuant thereto. (Ord. 1962-20. Passed 7-23-62.)

1355.07 VARIANCES.

The Board of Building and Zoning Appeals shall permit a reasonable minimum variance from the applicable section of this Housing Code when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this Housing Code. All decisions to permit a variance under this section shall be by a majority of the members voting.

CHAPTER 1357

Condemnation Proceedings

- 1357.01 Compliance.**
- 1357.02 Dwellings unfit for habitation.**
- 1357.03 Vacation of premises.**
- 1357.04 Reoccupancy of dwelling.**
- 1357.05 Tampering with or removing placard.**
- 1357.06 Hearing.**

CROSS REFERENCES

Housing Code definitions - see BLDG. Ch. 1351
Enforcement, inspection, notice and penalty - see BLDG. Ch. 1353
Appeal, hearings, variances - see BLDG. Ch. 1355
Owner's and occupant's responsibility - see BLDG. Ch. 1367

1357.01 COMPLIANCE.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unit, dwelling or dwelling units shall be carried out in compliance with the requirements set forth in this chapter.
(Ord. 1962-20. Passed 7-23-62.)

1357.02 DWELLINGS UNFIT FOR HABITATION.

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

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

(Ord. 1962-20. Passed 7-23-62.)

1357.03 VACATION OF PREMISES.

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Housing Inspector, shall be vacated within a reasonable time as ordered by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1357.04 REOCCUPANCY OF DWELLING.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by, the Housing Inspector. The Housing Inspector shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated. (Ord. 1962-20. Passed 7-23-62.)

1357.05 TAMPERING WITH OR REMOVING PLACARD.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 1357.04. (Ord. 1962-20. Passed 7-23-62.)

1357.06 HEARING.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling, dwelling unit, rooming house or rooming unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Building and Zoning Appeals, under the procedure set forth in Chapter 1355.
(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1358

Removal of Unsafe Buildings

- 1358.01 Compliance required.**
- 1358.02 Structurally defective buildings may be removed.**
- 1358.03 Notice of intent.**
- 1358.04 Agreement of lienholders.**
- 1358.05 Costs placed on tax duplicate.**
- 1358.06 Hearing.**

CROSS REFERENCES

State law provisions - see Ohio R.C. 715. 26(B), 715.261 et seq.
Condemnation proceedings - see BLDG. Ch. 1357

1358.01 COMPLIANCE REQUIRED.

The removal and repair of insecure, unsafe or structurally defective buildings or other structures shall be carried out in compliance with the requirements set forth in this chapter.

(Ord. 1973-24. Passed 5-14-73.)

1358.02 STRUCTURALLY DEFECTIVE BUILDINGS MAY BE REMOVED.

Any dwelling, dwelling unit, building or other structure, which, upon inspection by the Building Official, is found to be so insecure, unsafe or structurally defective as to be dangerous or create a hazard detrimental to the public health, safety or welfare may be removed by the City from the land upon which the same is situated.

(Ord. 1973-24. Passed 5-14-73.)

1358.03 NOTICE OF INTENT.

Prior to removal, the City, acting through the Building Official, shall give notice of the intention of the City to remove the insecure, unsafe or structurally defective building.

Such notice of intent shall be by certified mail to the holders of legal or equitable liens of record upon the real property on which such building is located and to the owners of record, at least thirty days prior to the removal. (Ord. 1973-24. Passed 5-14-73.)

1358.04 AGREEMENT OF LIENHOLDERS.

The holders of liens of record upon such property may enter into an agreement with the City within the period specified in the notice, to remove or repair the insecure, unsafe or structurally defective building. (Ord. 1973-24. Passed 5-14-73.)

1358.05 COSTS PLACED ON TAX DUPLICATE.

The total cost, whether such costs are incurred due to the use of employees, materials and equipment of the City or by contract for labor, materials and equipment, or both, of removing insecure, unsafe or structurally defective buildings or other structures, including the costs of service of publication or notice, together with a proper description of the premises, shall be certified by the Clerk of Council to the County Auditor and by him placed upon the tax duplicate. Such costs shall be a lien upon such lands from and after the date of entry and shall be collected as other taxes. (Ord. 1973-24. Passed 5-14-73.)

1358.06 HEARING.

Any person affected by the notice to remove an insecure, unsafe or structurally defective building or other structure may request a hearing before the Board of Building and Zoning Appeals if the request for hearing is filed with the Board within ten days from the date of notice of intent. Such hearing and procedures shall be governed by the provisions set forth in Chapter 1355. (Ord. 1973-24. Passed 5-14-73.)

CHAPTER 1359

Basic Equipment and Facilities

1359.01 Compliance with minimum standards.

1359.02 Kitchen sink.

1359.03 Bathroom.

1359.04 Sharing a bathroom prohibited.

1359.05 Water line connections.

1359.06 Garbage disposal facilities.

1359.07 Rubbish storage facilities.

1359.08 Water-heating facilities.

1359.09 Means of egress.

CROSS REFERENCES

Building Code standards - see BLDG. Ch. 1305

Means of egress - see OAC 4101:2-6

1359.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1359.02 KITCHEN SINK.

In every dwelling unit there shall be a kitchen sink in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1359.03 BATHROOM.

Every dwelling unit shall contain a fully equipped bath and toilet facility which affords privacy to a person within such room. The facilities of the bathroom shall be in good working condition and properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector. (Ord. 1968-22. Passed 4-22-68.)

1359.04 SHARING A BATHROOM PROHIBITED.

The occupants of more than one dwelling unit may not share a bathroom. (Ord. 1972-3. Passed 1-10-72.)

1359.05 WATER LINE CONNECTIONS.

Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Sections 1359.02 through 1359.04 shall be properly connected with both hot and cold water lines. (Ord. 1962-20. Passed 7-23-62.)

1359.06 GARBAGE DISPOSAL FACILITIES.

Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers. All such receptacles shall at all times be maintained in good order and repair. All such receptacles must meet the requirements as established by Council and be of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

1359.07 RUBBISH STORAGE FACILITIES.

Every dwelling unit shall have adequate rubbish storage facilities which meet the requirements as established by Council and are of an approved type and placed in a location approved by Council. (Ord. 1962-20. Passed 7-23-62.)

1359.08 WATER-HEATING FACILITIES.

Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Section 1359.05 and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit facilities required under the provisions of Section 1359.05 are not in operation. (Ord. 1962-20. Passed 7-23-62.)

1359.09 MEANS OF EGRESS.

Every dwelling unit shall have the required number of safe unobstructed means of egress leading to safe and open space at ground level, as required by the Building Code of the City. (Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1361

Light, Ventilation and Heating

- 1361.01 Compliance with minimum standards.**
- 1361.02 Window area required.**
- 1361.03 Openable window area.**
- 1361.04 Windows in bathrooms.**
- 1361.05 Electricity requirements.**
- 1361.06 Heating facilities required.**
- 1361.07 Lighting in halls or stairways.**
- 1361.08 Screening.**
- 1361.09 Basement screening.**

CROSS REFERENCES

Light and ventilation - see OAC 4101:2-5
Venting of heaters - see GEN. OFF. 521.02

1361.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1361.02 WINDOW AREA REQUIRED.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window glass area for every habitable room shall be ten percent of the floor area of such room. Whenever light is obstructed from a window by a structure that extends above the top of such window and is closer than three feet to such window, such a 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 a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.
(Ord. 1962-20. Passed 7-23-62.)

1361.03 OPENABLE WINDOW AREA.

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-type window size, as required in Section 1361.02, except where there is supplied some other device affording adequate ventilation, approved by the Housing Inspector. (Ord. 1962-20. Passed 7-23-62.)

1361.04 WINDOWS IN BATHROOMS.

The window area in bathrooms shall not be less than three square feet and not less than one-half such area shall be openable unless adequate mechanical ventilation is provided.
(Ord. 1962-20. Passed 7-23-62.)

1361.05 ELECTRICITY REQUIREMENTS.

All dwellings not already connected to a source of electric power that are within 300 feet of available electric service power lines must be connected to such power lines. All such connections to the outside source of power must be in a manner prescribed by the Building Code of the City.

Every habitable room of such dwelling shall contain at least two separate wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power.
(Ord. 1962-20. Passed 7-23-62.)

1361.06 HEATING FACILITIES REQUIRED.

Every dwelling and dwelling unit shall have heating facilities which are properly installed and vented, and maintained in safe operating condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy degrees Fahrenheit when outside temperature is minus ten degrees Fahrenheit. (Ord. 1971-43. Passed 7-26-71.)

1361.07 LIGHTING IN HALLS OR STAIRWAYS.

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

(Ord. 1962-20. Passed 7-23-62.)

1361.08 SCREENING.

In every dwelling or dwelling unit all openings to outdoor space used for ventilation purposes shall be equipped with screening. All screening required under this section shall be not less than sixteen meshes to the square inch and shall be installed and maintained in a manner according complete protection against entry into the dwelling or dwelling unit of flies, mosquitoes and other insects. (Ord. 1962-20. Passed 7-23-62.)

1361.09 BASEMENT SCREENING.

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

(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1363

Safety and Sanitation

1363.01 Compliance with minimum standards.

1363.02 Structure to be watertight, rodentproof and weathertight.

1363.03 Windows, doors and hatchways.

1363.04 Stairs and porches.

1363.05 Plumbing fixtures.

1363.06 Bathroom floor surfaces.

1363.07 Safe equipment and facilities.

1363.08 Discontinuance of service or facility.

1363.09 Clean and sanitary dwelling.

1363.10 Rain carriers.

CROSS REFERENCES

Abandoned refrigerators - see GEN. OFF. 521.01

Littering and deposit of garbage - see GEN. OFF. 521.08

Noxious odors - see GEN. OFF. 521.09

1363.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1363.02 STRUCTURE TO BE WATERTIGHT, RODENTPROOF ANDWEATHERTIGHT.

Every foundation, floor and exterior wall shall be reasonably watertight, rodentproof and weathertight. Every roof shall be leakproof. Every dwelling unit shall be capable of affording privacy and shall be kept in good repair. (Ord. 1962-20. Passed 7-23-62.)

1363.03 WINDOWS, DOORS AND HATCHWAYS.

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

(Ord. 1962-20. Passed 7-23-62.)

1363.04 STAIRS AND PORCHES.

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

(Ord. 1962-20. Passed 7-23-62.)

1363.05 PLUMBING FIXTURES.

Every plumbing fixture and water and wastepipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(Ord. 1962-20. Passed 7-23-62.)

1363.06 BATHROOM FLOOR SURFACES.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor easily to be kept in a clean and sanitary condition. (Ord. 1962-20. Passed 7-23-62.)

1363.07 SAFE EQUIPMENT AND FACILITIES.

Every supplied facility, piece of equipment or utility, which is required under this Housing Code shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. (Ord. 1962-20. Passed 7-23-62.)

1363.08 DISCONTINUANCE OF SERVICE OR FACILITY.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Housing Code to be removed from 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 when discontinuance of service is approved by the Housing Inspector.

(Ord. 1962-20. Passed 7-23-62.)

1363.09 CLEAN AND SANITARY DWELLING.

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

(Ord. 1962-20. Passed 7-23-62.)

1363.10 RAIN CARRIERS.

The owner of any dwelling shall be responsible for the installation and maintenance of adequate rain carriers where such rain carriers are required by the Building Code of the City or where the absence thereof creates a structural or a health hazard.

(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1365

Space, Height and Use

1365.01 Compliance with minimum standards.

1365.02 Floor space required.

1365.03 Floor space of sleeping rooms.

1365.04 Height of rooms.

1365.05 Basement occupancy.

1365.06 Room arrangement.

1365.01 COMPLIANCE WITH MINIMUM STANDARDS.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements set forth in this chapter. (Ord. 1962-20. Passed 7-23-62.)

1365.02 FLOOR SPACE REQUIRED.

Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area. A child under one year of age is exempt from this section. (Ord. 1971-43. Passed 7-26-71.)

1365.03 FLOOR SPACE OF SLEEPING ROOMS.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof. A child under one year of age is exempt from this section.

(Ord. 1971-43. Passed 7-26-71.)

1365.04 HEIGHT OF ROOMS.

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

(Ord. 1962-20. Passed 7-23-62.)

1365.05 BASEMENT OCCUPANCY.

No basement shall be used as a habitable room or dwelling unit or rooming unit unless it meets all standards thereof as set forth in this Housing Code, and meets the following requirements:

- (a) The floor and walls shall be impervious to leakage or seepage of underground water and surface water and shall be well drained and protected against dampness;
- (b) The total window area in each room shall be equal to at least ten percent of the floor area of the room, excepting that the ten percent requirement may be reduced to five percent if adequate artificial illumination is provided;
- (c) The total openable window area of each habitable room shall be at least five percent of the floor area of the room when natural ventilation is used exclusively;
- (d) Each room so used shall be separated from the heating equipment, incinerator or other equally hazardous equipment by a standard partition of one hour fire resistance;
- (e) Access can be gained to each room so used without passage through a furnace room. (Ord. 1972-4. Passed 1-10-72.)

1365.06 ROOM ARRANGEMENT.

(a) In a single dwelling unit, room arrangement must be such that a bath and toilet are accessible without going through a sleeping room.

(b) In a single dwelling unit, room arrangement shall be such as to permit access to sleeping rooms without going through a sleeping room.

(Ord. 1972-5. Passed 1-10-72.)

CHAPTER 1367

Responsibility of Owners and Occupants

1367.01 Responsibilities of owner.

1367.02 Occupant to keeping dwelling clean and sanitary.

1367.03 Disposal of rubbish.

- 1367.04 Disposal of garbage.**
- 1367.05 Hanging screens.**
- 1367.06 Extermination of pests.**
- 1367.07 Care of plumbing fixtures.**

CROSS REFERENCES

Snow and ice removal - see GEN. OFF. 521.06
Garbage and rubbish removal - see GEN. OFF. 521.08
Safety and sanitation - see BLDG. Ch. 1363

1367.01 RESPONSIBILITIES OF OWNER.

Every owner shall be responsible for the following:

- (a) Cleanliness of all parts of the dwelling and premises shared in common by more than one family except where such responsibility is assumed by an operator or an occupant by written agreement.
- (b) Providing all utilities, facilities, equipment and services required by this Housing Code except where such responsibility is assumed by an operator or an occupant by written agreement. (Ord. 1962-20. Passed 7-23-62.)

1367.02 OCCUPANT TO KEEP DWELLING CLEAN AND SANITARY.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
(Ord. 1962-20. Passed 7-23-62.)

1367.03 DISPOSAL OF RUBBISH.

Every occupancy of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 1359.07.
(Ord. 1962-20. Passed 7-23-62.)

1367.04 DISPOSAL OF GARBAGE.

Every occupant of the dwelling or dwelling unit shall dispose of all his garbage and other organic waste in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Sections 1359.06 and 1359.07.
(Ord. 1962-20. Passed 7-23-62.)

1367.05 HANGING SCREENS.

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, except where the owner has agreed to supply such service.
(Ord. 1962-20. Passed 7-23-62.)

1367.06 EXTERMINATION OF PESTS.

Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his 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 ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Ord. 1962-20. Passed 7-23-62.)

1367.07 CARE OF 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.
(Ord. 1962-20. Passed 7-23-62.)

CHAPTER 1369

Transient Rental Property

- 1369.01 **Purpose.**
- 1369.02 **Transient rental registration certificate.**
- 1369.03 **Limitations on transient rental properties.**
- 1369.04 **Fees.**
- 1369.05 **Owner responsibilities.**
- 1369.06 **Inspection.**
- 1369.07 **Nuisance.**
- 1369.08 **Change of ownership or control.**
- 1369.09 **Hosting platforms.**
- 1369.10 **Hearing and appeals.**
- 1369.11 **Severability.**
- 1369.12 **Enforcement.**
- 1369.13 **Notice of violations.**
- 1369.98 **Definitions.**
- 1369.99 **Penalty; legal action.**

CROSS REFERENCES

Building standards - see Part 13 Building Code
Condemnation proceedings - see BLDG. Ch. 1357
Hearing and Appeal- see P. & Z. Ch. 1139

Planning and zoning - see P. & Z. Ch. 1133
Removal of unsafe buildings - see BLDG. Ch. 1358
Taxation - see ADM. Ch. 189

1369.01 PURPOSE.

The purpose and intent of this Chapter is to regulate and ensure the peace, health, safety, and wellness of the public, including the Owners, Transient Guests, and neighboring property owners or occupants of any Transient Rental Property; to ensure the continued vibrancy, character, and charm of the City of Huron as a community; to protect and preserve the quality, character, and tranquility of residential neighborhoods; to protect property values, and to preserve the availability of affordable housing stock for permanent residents of the City of Huron.
(Ord. 2021-7. Passed 3-23-21.)

1369.02 TRANSIENT RENTAL REGISTRATION CERTIFICATE.

(a) Required. Effective January 1, 2020, the City created a Transient Rental Property Registration System for the City of Huron that requires an Owner of Transient Rental Property to register with the City on an annual basis each and every individual Transient Rental Property in the City.

- (1) Beginning on the effective date of this Ordinance for new transient rental Applications, and beginning as of the date of expiration, lapse or revocation for an Owner holding one or more current and valid Department-issued Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), every Transient Rental Property must be issued a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be) before being used, advertised, promoted, offered, listed with a Hosting Platform, or otherwise made available for use as Transient Rental Property. It shall be prima facie evidence of use as a Transient Rental Property if a Transient Guest is found to be occupying a Residential Premises or the Residential Premises is advertised on a Hosting Platform.
- (2) All Transient Rental Property must be in full compliance at all times with all applicable provisions of the Codified Ordinances of the City of Huron.

(b) Display of Certificate. Each Transient Rental Property must display the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) in a conspicuous location that can be easily observed from public streets or sidewalks.

- (1) No Owner of a Transient Rental Property shall allow a Transient Rental Property to be used, advertised, promoted, offered, listed or made available for use to Transient Guests if the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) has been suspended, revoked, or denied, nor shall an Owner display a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) that has expired or been suspended, revoked, denied, altered, or defaced.
- (2) No person shall make a Transient Rental Property available for use by Transient Guests if such Transient Rental Property is in violation of any applicable provision of the City of Huron's health code, building code, zoning regulations, or any covenant, condition, or restriction enacted in accordance with Chapter 5312 of the Ohio Revised Code, if applicable. Issuance.

(c) Issuance.

- (1) The Application for a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate required by this Chapter shall be made by an Owner by supplying the information required on the Application supplied by the Department and agreeing to comply with all requirements of this Chapter. Applications may be submitted at any time, subject to the limitations and restrictions set forth in Section 1369.03.
- (2) A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate shall not be issued to an Owner unless the Owner or an Authorized Representative can arrive at and access the Transient Rental Property within one (1) hour.
- (3) Upon submission of the Application (or renewal Application), the Department shall schedule a Life Safety Inspection, in accordance with Section 1369.06 of these Codified Ordinances, of the Residential Premises prior to issuing or renewing a Transient Rental Registration Certificate.
- (4) No Transient Rental Registration Certificate shall be issued or renewed until the Department completes a Life Safety Inspection of the Residential Premises and determines that the Residential Premises complies with all applicable health, building, and safety codes and the requirements of this Chapter.
- (5) After the Life Safety Inspection is completed and the Residential Premises is found to be in full compliance with all applicable building, health, and safety codes, the Department shall issue or renew a Transient Rental Registration Certificate for such Residential Premises which shall contain the following information:
 - A. The name, email address, and telephone number of the Owner or Authorized Representative responsible for maintenance of the Transient Rental Property and ensuring compliance with this Chapter;
 - B. The address of the Transient Rental Property;
 - C. The expiration date of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be); and
 - D. The maximum occupancy of the Transient Rental Property, which shall be limited to three (3) persons per Residential Premises plus two (2) persons per bedroom.
- (6) Upon obtaining a Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate, the Owner shall comply with the provisions of this Chapter.

(d) Revocation or Lapse. The Department shall revoke a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate for any of the following:

- (1) The Owner provides any material misrepresentation of fact on the Application;
- (2) The Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate is not timely renewed;
- (3) Noncompliance with the requirements of this Chapter;
- (4) Failure to correct any deficiency identified in the Inspection Report within thirty (30) days of the date the Inspection Report is issued;
- (5) Failure to collect and remit taxes required by Chapter 189 of the Codified Ordinances;
- (6) Upon a determination by a Court of competent jurisdiction that the Transient Rental Property has become a nuisance as further defined in Section 1369.07 of the Codified Ordinances or other controlling Ohio law.

Notwithstanding any contrary provision of this Chapter, any Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate that expires, is revoked, or becomes invalid for any reason is not assignable nor renewable and shall be considered a new Transient Rental Property for which a new Application is required for all purposes under this Chapter.

(e) Limitations on Assignment. Except as otherwise provided in Section 1369.08, a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate may not be sold, transferred, or assigned to any property other than the Transient Rental Property for which it was issued.

(f) Term. A Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate issued pursuant to this Chapter shall be valid for twelve (12) months from the date of issuance or unless and until such certificate expires, lapses, or is revoked in accordance with Section 1369.02(d) of the Codified Ordinance.

(Ord. 2021-7. Passed 3-23-21.)

1369.03 LIMITATIONS ON TRANSIENT RENTAL PROPERTIES.

Beginning on the effective date of this Ordinance, there shall be a maximum combined aggregate total of one hundred sixty-five (165) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time, provided that no renewal Application for a Renewal Transient Rental Registration Certificate will be denied solely on the basis that approving the Application will cause the foregoing maximum combined aggregate total number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Occupancy Registration Certificates, and Renewal Transient Rental Registration Certificates to be exceeded.

- (a) Subject to the provisions of the foregoing paragraph, Applications accepted for an available Transient Rental Registration Certificate are on a first come basis. The Department shall maintain a waiting list in the event the maximum number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City at any one time equals one hundred sixty-five (165). At such time as there are a combined aggregate total of one hundred sixty-five (165) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued for Transient Rental Property located within the City, new Applications shall only be considered on a "one (1) new Application for every one (1) Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate that is cancelled, revoked, lapses or terminates for any reason" basis, to ensure the total combined maximum aggregate number of Transient Registration Occupancy Certificates (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificates, and Renewal Transient Rental Registration Certificates issued does not exceed one hundred sixty-five (165). Subject to limitations found elsewhere in this Chapter, renewal Applications shall continue to be accepted and Renewal Transient Rental Registration Certificates issued in accordance with Section 1369.02 provided that the Application for a Renewal Transient Rental Registration Certificate is submitted to the Department before the expiration of the existing Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) or before the expiration of any Renewal Transient Rental Registration Certificate.
- (b) No Transient Rental Property which had a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate revoked under Sections 1369.02(d)(3)-(6) shall be eligible for issuance of a Transient Rental Registration Certificate for a period of two (2) years from the date of revocation unless a change in ownership or control of the Residential Premises has occurred, as determined by the Department in its reasonable discretion.

(Ord. 2021-7. Passed 3-23-21.)

1369.04 FEES.

All fees set forth in this Chapter shall be approved and adopted by City Council in accordance with Article III of the City's Charter and the Codified Ordinances. The effective date of any changes to such fees shall be in accordance with Section 3.06 of the Charter unless a different date is set forth in the adopting Ordinance.

(Ord. 2021-7. Passed 3-23-21.)

1369.05 OWNER RESPONSIBILITIES.

In addition to general requirements that all Transient Rental Property be in full compliance with all applicable laws, statutes, regulations, and ordinances, the following additional responsibilities are applicable to an Owner of Transient Rental Property:

- (a) The Owner of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and in a safe and sanitary condition in compliance with the applicable requirements of Part 13 of the Codified Ordinances and the requirements established by the City administratively.
- (b) Subject to the provisions and limitations contained in Section 1369.06(a)(2) of this Chapter, the Owner shall prepare and maintain a parking plan to designate off-street parking for the use of all vehicles associated with the Transient Rental Property in accordance with Chapter 1133 of the Codified Ordinances.
- (c) The Owner or Authorized Representative shall be required to be physically present in person at the Transient Rental Property within sixty (60) minutes of any notification by a member of law enforcement or the fire department or emergency assistance of any kind relating to a Call for Service to the Transient Rental Property.
- (d) The Owner shall provide proof of procurement and maintenance of general liability and premises liability insurance for the Transient Rental Property as may be periodically requested by the Department, which insurance(s) shall meet all of the following requirements:
- (1) Provide coverage of not less than three hundred thousand dollars (\$300,000.00) and issued in accordance with Chapter 3902 of the Ohio Revised Code.
 - (2) Provide notice of cancellation of insurance to the Department at least ten (10) days prior to cancellation.
Failure to maintain insurance required by this Section shall result in a revocation of the Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be).
- (e) Records.
- (1) The Owner or Authorized Representative shall maintain a registry of Transient Guests for a period of at least three (3) years from the date such Transient Guests occupied the Transient Rental Property which shall include the following:
 - A. The name and address of the persons who entered into the rental agreement for use of the Transient Rental Property;
 - B. The date(s) each such Transient Guest had use or occupancy of the Transient Rental Property;
 - C. The number of persons scheduled to stay for the night of the Rental Period; and
 - D. The rate charged per each rental period.
 - (2) The Owner or Authorized Representative shall provide the records required by this section upon request by a member of law enforcement, the Department, or in accordance with any lawful order issued by a Court or tribunal having jurisdiction thereof.
 - (3) The Owner or Authorized Representative shall be deemed to comply with this provision if such records are kept and maintained by a Hosting Platform which is identified and disclosed to the City on the initial Application or any renewal Application.
- (f) No Owner shall lease a Transient Rental Property to a Transient Guest if the Transient Guest's use of the Transient Rental Property would violate Section 2950.034 of the Ohio Revised Code.

1369.06 INSPECTIONS.

(a) License Issuance and Renewal Inspections:

- (1) Prior to issuing a new or Renewal Transient Rental Registration Certificate, or in the event of the transfer and assignment of a valid a Transient Rental Registration Certificate, the Department shall conduct a Life Safety Inspection of the Residential Premises within fourteen (14) days from the date the new Application or renewal Application is received by the City (or in the event a waiting list is maintained by the Department pursuant to Section 1369.03(a), within fourteen (14) days that the new Owner is notified by the Department that the new Application is being considered), which Life Safety Inspection shall consist of the following:
 - A. Inspection of all electrical receptacles;
 - B. Check for and test smoke detectors and carbon monoxide detectors;
 - C. Check for improper wiring;
 - D. Check electrical panel;
 - E. Check all light fixtures at all stairways and exterior doors;
 - F. Check furnace and water heaters;
 - G. Check for leaking water, gas and waste lines;
 - H. Check for removal of all refuse, garbage and debris;
 - I. Check for building code compliance, including necessary handrails;
 - J. Check for presence of accessible dry chemical fire extinguishers of a minimum 5-lb. ABC class;
 - K. Determine maximum occupancy for overnight Transient Guests which shall be limited to:
 1. Three (3) persons per Residential Premises plus;
 2. Two (2) persons per bedroom.
 3. All areas of a Residential Premises designated as bedroom space shall be used predominantly for sleeping, have a minimum of one or more beds of a size and number equal to the expected occupants, and two (2) separate means of accessible ingress and egress.
 - (2) In conjunction with completing a Life Safety Inspection, and for new Transient Rental Registration Certificates issued from and after the effective date of this Ordinance, the Department shall also review the Owner's parking plan to determine compliance with Chapter 1133 of the Codified Ordinances. No parking plan shall be required of an Owner that is the holder of a current and valid Transient Occupancy Registration Certificate (issued prior to the effective date of this Ordinance) provided such Transient Occupancy Registration Certificate is timely and continuously renewed and is not later suspended, revoked, denied, or permitted to lapse, in which case a new Application shall be required and all provisions of this Ordinance shall be apply to such new Application, including not limited to the parking plan requirements identified in this Section 1369.06(a)(2).
 - (3) To the extent an Owner is subject to the parking plan requirements of Section 1369.06(a)(2) of this Chapter, and if a particular Transient Rental Property permits occupancy that cannot be accommodated based on the parking requirements set forth in Section 1133.03(c)(6), the permitted and approved occupancy for such Transient Rental Property shall automatically be reduced by the Department to ensure compliance with the parking requirements set forth in Section 1133.03(c)(6) of the Codified Ordinances.
 - (4) Within fourteen (14) days of completing a Life Safety Inspection, an Inspection Report shall be issued to the Owner of the Transient Rental Property.
 - (5) The Department shall maintain a copy of the Life Safety Inspection Report for each Transient Rental Property for a period of three (3) years. Copies of all reports of Life Safety Inspections shall be made available to the public in accordance with Section 149.43 of the Ohio Revised Code.
- (b) Violations enumerated in the Inspection Report shall be abated by the Owner of the Transient Rental Property within thirty (30) days from the date of the Inspection Report. A reinspection shall be required to verify that the violations have been corrected. The Owner of the Transient Rental Property shall contact the Department to schedule the required reinspection, which shall occur within forty-five (45) days from the date the Inspection Report is issued. A reinspection fee set in accordance with Section 1369.04 shall be paid at the time a reinspection is scheduled.
- (c) Failure to correct any violations contained within the Inspection Report within thirty (30) days from the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of a Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section 1369.99.
- (d) Failure to permit a reinspection of the Transient Rental Property within forty-five (45) days of the date of the Inspection Report shall constitute a violation of this chapter and may result in the revocation of the Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section 1369.99.
- (e) Upon display of the proper credentials, any member of the Department, law enforcement, fire department, emergency assistance, or public health official shall be permitted to inspect the Transient Rental Property to ensure compliance with this Chapter.

- (1) In the event access to Transient Rental Property is refused, an officer or employee of the entity requesting to inspect the Transient Rental Property may, with the assistance of the Law Director, obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property.
- (2) In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an Owner, Authorized Representative, or occupant to consent to a warrantless inspection of private property.
- (3) A repeated failure to permit inspection may be cause for revocation of the Transient Rental Registration Certificate or Renewal Transient Occupancy Registration (as the case may be).

(Ord. 2021-7. Passed 3-23-21.)

1369.07 NUISANCE.

The operation of Transient Rental Property may be found to constitute a public nuisance upon a determination by the Department or a court of competent jurisdiction that any of the following apply:

- (a) The Transient Rental Property has been the site of a repeated criminal activity involving prostitution, felony drug possession, gang activity, or acts of violence as such terms are defined in Chapter 29 of the Ohio Revised Code.
- (b) The Transient Rental Property is a nuisance as that is defined under Section 3767.01 of the Ohio Revised Code.
- (c) The Transient Rental Property has had in excess of three (3) Calls for Service within any consecutive twelve (12) month period.
- (d) The Transient Rental Property has a documented history of repeated conduct that endangers neighborhood safety.

(Ord. 2021-7. Passed 3-23-21.)

1369.08 CHANGE OF OWNERSHIP OR CONTROL.

- (a) Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property, including an Authorized Representative or Owner, shall notify the Department of the proposed effective date of the change in ownership or control.
- (b) In order to transfer and assign a valid Transient Registration Occupancy Certificate (issued prior to the effective date of this

Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration, the Owner and holder of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration shall notify the Department of the change in ownership and control. The notice required by this section shall be in writing and shall include the following:

- (1) The name, address, email address, and telephone number of the new Authorized Representative or Owner;
- (2) The name, address, email address and telephone number of the previous Authorized Representative or Owner;
- (3) The person or entity maintaining the records required to be maintained by Section 1369.05(e).
- (4) The effective date of such change in ownership or control.

Within fourteen (14) days of acquiring the Transient Rental Property (as evidenced by the new Owner receiving recorded legal title to same), the new Owner shall complete an Application for purposes of the new Owner acknowledging the rights, duties and obligations of an Owner under this Chapter, including permitting the Department to conduct a Life Safety Inspection in accordance with Section 1369.06 of this Chapter. The new Owner shall be required to pay a reinspection fee in accordance with the Codified Ordinances of the City. Provided the Application is approved, the Life Safety Inspection is approved, and the new Owner pays the reinspection fee, the City shall consider then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Rental Registration Certificate (as the case may be) assigned and transferred to the new Owner, thereby permitting the new Owner to utilize then-existing Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Rental Registration Certificate (as the case may be) for the unexpired portion of the term of the relevant certificate.

(c) A failure to notify the Department in accordance with this Section within fourteen (14) calendar days of any change of ownership or control (as evidenced by the new Owner receiving recorded legal title to same) will result in a violation of this Chapter and a revocation of the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration (as the case may be) and/or penalties or other legal action in accordance with Section 1369.99. (Ord. 2021-7. Passed 3-23-21.)

1369.09 HOSTING PLATFORMS.

(a) Listing, Advertising, or Promoting. No Hosting Platform shall list, advertise, promote, or accept reservations for any Transient Rental Property within the City of Huron that does not have a Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate or Renewal Transient Occupancy Registration. Upon notification by the Department that the Transient Registration Occupancy Certificate (issued prior to the effective date of this Ordinance), Transient Rental Registration Certificate, or Renewal Transient Occupancy Registration has expired or been revoked, the Hosting Platform shall remove or deactivate that Transient Rental Property from all listings, advertisements, or promotions of any kind within three (3) business days.

(b) Records Required. To the extent the Hosting Platforms collects the information required to be kept and maintained by an Owner or Authorized Representative in accordance pursuant to Section 1369.05(e) of this Chapter, it shall maintain such information for a period of three (3) years for all Transient Rental Properties that are leased to Transient Guests through such Hosting Platform, and shall provide such records upon request in accordance with Section 1369.05(e).

(c) Taxation. All Hosting Platforms are subject to taxation in accordance with Chapter 185 of the Codified Ordinances. (Ord. 2021-7. Passed 3-23-21.)

1369.10 HEARING AND APPEALS.

Subject to Section 1369.03, any person who has been denied, or refused a Transient Rental Registration Certificate or renewal thereof, or whose Transient Rental Registration Certificate or Renewal Transient Occupancy Registration has been revoked pursuant to Section 1369.02(d) may appeal such decision to the Board of Building and Zoning Appeals as provided in Section 1139.02 of the Codified Ordinances.

(Ord. 2021-7. Passed 3-23-21.)

1369.11 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 2021-7. Passed 3-23-21.)

1369.12 ENFORCEMENT.

No person shall violate any provision of this chapter or any rule or regulation promulgated thereunder or fail to comply therewith or with any written notice or written order issued thereunder by the Department.

(Ord. 2021-7. Passed 3-23-21.)

1369.13 NOTICE OF VIOLATIONS.

(a) Upon discovery of a violation of this Chapter, the Department shall issue a written notice of the violation to the Owner.

(b) The notice required in this Section shall be delivered by one or more of the following methods:

- (1) Certified mail delivery (return receipt requested), which shall be deemed effective as of the date of receipt identified on the return receipt or as noted by the U.S. Postal Service;
- (2) Courier service, which shall be deemed effective as of the date of receipt as identified by the courier service;
- (3) Hand or personal delivery, which shall be effective when delivered to an adult at the Owner's address;
- (4) Facsimile delivery, which shall be effective when the facsimile transmission has been transmitted to the facsimile number provided for that purpose and the Department has received confirmation of the facsimile transmission;
- (5) Electronic mail delivery is effective when the electronic mail has been sent to the Owner's electronic mail address without notice of rejection of message.

(c) It is not a defense to any subsequent enforcement action that the notice provided by the Department was not actually delivered to the Owner provided that one of the methods of delivery set forth in Section 1369.13(b) was attempted in good faith by the Department but was not accomplished through no fault of the Department.

(Ord. 2021-7. Passed 3-23-21.)

1369.98 DEFINITIONS.

As used in this chapter:

- (a) "Authorized Representative" means any individual, person, firm, partnership, corporation or company, other than an Owner, acting on behalf of an Owner of a Transient Rental Property responsible for ensuring compliance with all provisions of this Chapter and registered as the Owner's Authorized Representative with the Department.
 - (1) For purposes of this Chapter, actions taken by an Authorized Representative acting on behalf of the Owner shall have the same legal force and effect as if such acts were taken by the Owner.
 - (2) No Owner shall be absolved of individual liability solely on the basis that acts were taken by an Authorized Representative and not the Owner.
- (b) "Application" means the submission of all information required by this Chapter, and payment of the required fees, for registering:
 - (i) a Residential Premises as new Transient Rental Property to obtain a Transient Rental Registration Certificate; or (ii) to

obtain a Renewal Transient Rental Registration Certificate. For avoidance of doubt, a new Transient Rental Property shall be considered a Transient Rental Property for which the Owner of has failed to maintain a valid or renewable Transient Rental Registration Certificate. (Ord. 2021-7. Passed 3-23-21.)

- (c) "Calls for Service" means any and all calls, including, but not limited to, those to law enforcement, fire department, or emergency assistance of any kind when those calls result in a representative of a law enforcement agency, a fire department, or another emergency assistance service being dispatched or directed to the Residential Premises and;
 - (1) Allege criminal activity, including, but not limited to, disturbance of the peace that results in an arrest, charge or citation of persons occupying or on the premises of a Transient Rental Property; or
 - (2) Result in a reasonable finding by the Department, after review of relevant police, fire, and emergency run reports, of an imminent threat to safety of person(s) or property as a result of activities occurring on a Transient Rental Property. (Ord. 2021-29. Passed 8-10-21.)
- (d) "Department" shall mean and refer to the Building and Zoning Department of the City of Huron.
- (e) "Hosting Platform" means any person or entity in any form, format, or media that, in exchange for a fee, assists, facilitates, or provides a means through which an Owner may offer Residential Premises as Transient Rental Property and through which a Transient Guest can arrange use of a Transient Rental Property, whether the payment for the use of the Transient Rental Property is directly to the Owner or to the Hosting Platform.
- (f) "Inspection Report" means the report issued by the Department containing the results of the Life Safety Inspection.
- (g) "Life Safety Inspection" means that inspection performed by the Department prior to issuing or renewing a Transient Rental Registration Certificate.
- (h) "Owner" means an individual, corporation, firm, partnership, association, organization, or any other person or entity (jointly or in combination) who has legal title to a Residential Premises. For purpose of this Chapter, an Owner includes anyone possessing a fee simple interest, vendee interest in a land contract, an estate for life or for years, in the Residential Premises including through a trust instrument or other conveyance of real property, or otherwise entitled to have legal or equitable title to real property registered in accordance with Sections 5309.05 or 5309.42 of the Ohio Revised Code.
- (i) "Renewal Transient Rental Registration Certificate" means the Transient Rental Registration Certificate issued to a Residential Premises that was previously identified as a Transient Rental Property if the Application is approved prior to the date of expiration identified on the Transient Rental Registration Certificate.
- (j) "Residential Premises" means any building, structure, or the part of a building or structure that is used or intended to be used as a home, residence, or sleeping place by one (1) or more persons and any adjacent or attached structures, grounds, areas, and facilities for the use of occupants generally or the use of which is promised an occupant, including Transient Guests.
- (k) "Transient Guests" means persons, who in exchange for money or other financial compensation, occupy a room or rooms, Residential Premises or other property used for sleeping accommodations for less than thirty (30) consecutive days.
- (l) "Transient Rental Registration Certificate" means the certificate issued with respect to a Transient Rental Property evidencing compliance with the requirements of this Chapter.
- (m) "Transient Rental Property" means any Residential Premises, or part thereof, being utilized or otherwise made available to a Transient Guest within the City, if such Residential Premises is used by or made available to a Transient Guest for a period in excess of a combined period of thirty (30) days in any calendar year. "Transient Rental Property" does not include any Residential Premises which is the primary residence of the Owner if such Residential Premises is not occupied or made available to a Transient Guest in excess of a combined period of thirty (30) days in a calendar year.
(Ord. 2021-7. Passed 3-23-21.)

1369.99 PENALTY; LEGAL ACTION.

(a) Except as otherwise expressly provided for elsewhere under the Codified Ordinance or the Ohio Revised Code, whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) and/or a maximum imprisonment term of six (6) months or both. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single guest stay and may be noticed and heard in a single action.
(Ord. 2021-29. Passed 8-10-21.)

(b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful use of property, require repair or maintenance, restrain, correct or abate a violation, prevent the occupancy of a Residential Premises, revoke a Transient's Registration Certificate, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.
(Ord. 2021-7. Passed 3-23-21.)

From: [Erik Engle](#)
To: [Erik Engle](#)
Subject: 531 Berlin road
Date: Monday, March 27, 2023 4:12:35 PM

































Sent from my iPhone

From: [Erik Engle](#)
To: [Erik Engle](#)
Subject: 531 Berlin 2
Date: Monday, March 27, 2023 4:50:39 PM























Sent from my iPhone