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October 28, 2022

AKRON CITY COUNCIL 13-0

Offered by: MAYOR HORRIGAN, COUNCIL WOMAN HOLLAND, AND COUNCILMAN FUSCO MALIK

ORDINANCE NO. 305 -2022 amending and/or enacting Title 15 "Land Usage," Chapter 150 "Environmental Health Housing Code," Section 150.01 "Definitions," Section 150.08 "Equipment and facilities," and Section 150.13 "Rooming houses – Equipment and facilities" of the Code of Ordinances of the City of Akron to require carbon monoxide detectors devices in residential structures in the City of Akron; and declaring an emergency.

WHEREAS, carbon monoxide ("CO") is a deadly, colorless, odorless, poisonous gas that is undetectable to the human senses; and

WHEREAS, CO is produced by the incomplete burning of various fuels, and is often produced by malfunctioning appliances such as furnaces, ranges, water heaters, boilers, room heaters, and fireplaces; and

WHEREAS, when produced by malfunctioning home appliances, CO can build up indoors and poison people and animals who breathe it; and

WHEREAS, because CO is undetectable to the human senses, CO poisoning can result in death before symptoms even appear; and

WHEREAS, CO detection devices prevent CO poisoning by alerting individuals of the presence of CO; and

WHEREAS, recently, a defective boiler in an apartment complex was the source of CO that led to the death of one woman and sickened others in Akron; and

WHEREAS, this tragedy could have been avoided had CO detection devices been installed in the apartment complex; and

WHEREAS, the City of Akron has an interest in protecting its residents by requiring CO detection devices in residential structures.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. Title 15 "Land Usage," Chapter 150 "Environmental Health Housing Code," Section 150.01 "Definitions" of the Code of Ordinances of the City of Akron be, and is hereby, amended to read as follows:

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

- 1. "Basement." That portion of a building that is partly or completely below grade.

2. "Carbon monoxide detector." A device which detects the presence of carbon monoxide and which emits audible and visual signals indicating the presence of unhealthy or lethal levels of carbon monoxide.

3. "~~Certified Building Official~~." The Chief Building Official of the Summit County Department of Building Standards, as designated by the State of Ohio Board of Building Standards to enforce the Residential Code of Ohio within the city.

4. "~~Dwelling~~." Any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes. Each unit must have independent means of egress.

5. "~~Dwelling unit~~." A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The unit may include any accessory space intended for the exclusive use of the occupants of an individual dwelling unit such as a private garage, greenhouse, etc.

6. "~~Extermination~~." The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Department of Neighborhood Assistance.

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

8. "~~Fire stairs~~." An exterior stairway twenty-two inches wide with handrails, and guardrails with intermediate balusters with access from either a thirty inches wide exterior door or an emergency escape window with a forty-four inches interior sill height, twenty inch minimum width, twenty-four inch minimum height with a total of 5.7 square foot minimum and with wired-glass opening protection provided for all windows both above and below the path of the stairway.

9. "Fuel-burning appliance." A device, apparatus, furnace, fireplace, or boiler that burns coal, wood, charcoal, oil, kerosene, propane, natural gas, or fossil fuels and that produces carbon monoxide as a combustion by-product.

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

11. "~~Habitable room~~." A room in a building for living, sleeping, eating or cooking. bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms.

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

13. "~~Housing code~~." The Environmental Health Housing Code.

14. "~~Housing Inspector~~." The Director of Neighborhood Assistance of the City or his authorized representative.

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

16. "~~Legal or equitable interest~~." The interest of a person in a premises or dwelling unit, severally or with others, with or without accompanying actual possession, whether recorded or not, as a feeholder, the vendor or vendee under a land contract, administrator, administratrix,

trustee, or guardian of the estate of either the person with legal title or the land contract vendor or vendee.

17. "Litter Code." Chapter 95 of this code.

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

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

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

21. "Owner." Any person, agent, firm or corporation having a legal or equitable interest in the property.

22. "Person." An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership, corporation, trust, or any entity recognized by law, its or their successors or assigns, or the agent of any of the aforesaid.

23. "Plumbing." The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems.

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

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

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

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

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

29. "Rubbish." Combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, plastics, dust, and other like materials.

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

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

32. "Zoning Code." Chapter 153 of this code.

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

Section 2. Title 15 "Land Usage," Chapter 150 "Environmental Health Housing Code," Section 150.08 "Equipment and facilities" of the Code of Ordinances of the City of Akron be, and is hereby, amended to read as follows:

150.08 Equipment and facilities.

- A. Kitchen Sink. Each dwelling unit shall contain a kitchen sink in good working condition.
- B. Water Closet—Lavatory. Each dwelling unit shall contain a room affording privacy and equipped with a flush water closet and a lavatory basin in good working condition.
- C. Bathrooms. Each dwelling unit shall contain a bathroom affording privacy and equipped with a bathtub or shower in good working condition. The rooms mentioned in this subsection and subsection B of this section may be the same room.
- D. Water Lines. Each kitchen sink, lavatory basin and bathtub or shower required under subsection A, B, and C of this section shall be connected with both hot and cold water lines.
- E. Rubbish Storage. Each dwelling unit shall be supplied with adequate rubbish storage facilities in accordance with standards approved by the Housing Inspector.
- F. Garbage Disposal. Each dwelling unit shall have adequate garbage disposal facilities in accordance with standards approved by the Housing Inspector.
- G. Water Heating. Each dwelling unit shall be supplied with water-heating facilities, in safe working condition, and capable of heating water to such a temperature as to supply water to every connected kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 110°F.
- H. Means of Egress. Each dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- I. Smoke Alarms. Every dwelling shall be equipped with smoke alarms installed outside of each separate sleeping area in the immediate vicinity of each sleeping area and on each story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke alarm shall be installed on each level. The occupant of any dwelling unit shall be responsible for replacing the battery in battery-operated smoke alarms. The property owner shall be responsible for all maintenance of smoke alarms other than battery replacement. No person shall remove or render a smoke alarm inoperative. Smoke alarms that are not self-contained or battery powered must satisfy Section 93.52(D), (E), and (F) of the Akron Codified Ordinances.

- J. Fire Extinguishers. Every multiple dwelling shall be provided with fire extinguishers of a minimum classification and shall be maintained in a safe and approved operating condition.
- K. Fire Stairs/Sprinkler System. Every multiple dwelling having habitable rooms located on floors exceeding two stories in height above grade, not counting basements, shall be provided with not less than two approved independent exits or exterior fire stairs from each floor above the second floor, fully accessible from each dwelling unit on the floor, or as an alternative, the entire dwelling shall be provided with a residential sprinkler system installed in accordance with National Fire Protection Association Standard #13R. Penalty, see § 150.99.
- L. **Carbon Monoxide Detectors. Every dwelling unit within which fuel-burning appliances are present, that utilizes fuel-burning appliances for the heating of a dwelling unit or units, or within a dwelling unit that is located in a structure with an attached garage, shall be equipped with carbon monoxide detectors installed outside of each separate sleeping area in the immediate vicinity of each sleeping area and on each story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a carbon monoxide detector shall be installed on each level. The occupant of any dwelling unit shall be responsible for replacing the battery in battery-operated carbon monoxide detectors. The property owner shall be responsible for all maintenance of carbon monoxide detectors other than battery replacement. No person shall remove or render a carbon monoxide detector inoperative. Carbon monoxide detectors that are not self-contained or battery powered must satisfy Section 93.51(D), (E), and (F) of the Akron Codified Ordinances.**

Section 3. Title 15 “Land Usage,” Chapter 150 “Environmental Health Housing Code,” Section 150.13 “Rooming houses - Equipment and facilities” of the Code of Ordinances of the City of Akron be, and is hereby, amended to read as follows:

150.13 – Rooming houses—Equipment and facilities.

No person shall operate a rooming house, or occupy or let to another for occupancy, any rooming unit in any house, which does not comply with all of the applicable requirements of this chapter.

- A. Bathroom Facilities. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system, meeting standards approved by the Housing Inspector and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family whenever they share the use of the facilities. In a rooming house where rooms are let to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All rooming units and water closets shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be adequately supplied with hot water at all times. The facilities shall not be located in a basement except by written approval of the Housing Inspector.
- B. Bedding and Towels. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to

- any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- C. **Sleeping Room Area.** Every room occupied for sleeping purposes by one person shall contain at least eighty square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least sixty square feet of floor space for each additional occupant thereof.
 - D. **Means of Egress.** Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and the city.
 - E. **Sanitary Maintenance.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the rooming house. He shall be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
 - F. **Cooking.** Cooking in dormitory rooms and rooming units shall be prohibited.
 - G. **Access.** Access doors to rooming units shall have operating locks to insure privacy.
 - H. **Heating Requirements.** The operator of every rooming house shall furnish heat sufficient to maintain an inside temperature of not less than seventy degrees Fahrenheit for each hour of the entire twenty-four-hour period of each day in all habitable rooms, bathrooms, water closet compartments, and kitchens, and be able to maintain this temperature when the outside temperature falls to fifty degrees Fahrenheit or below, except that the operator shall furnish heat sufficient to maintain the following minimum temperatures at the following hours of the day: between the hours of 11:00 p.m. and 6:00 a.m., sixty-five degrees Fahrenheit.
 - I. **Smoke Alarms.** Every rooming house shall be equipped with **smoke** alarms installed outside of each separate sleeping area in the immediate vicinity of each sleeping area and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke alarm shall be installed on each level. The occupant of any dwelling unit shall be responsible for replacing the battery in battery-operated smoke alarms. The property owner shall be responsible for all maintenance of smoke alarms other than battery replacement. No person shall remove or render a smoke alarm inoperative. Smoke alarms that are not self-contained or battery powered must satisfy Section 93.52(D), (E), and (F) of the Akron Codified Ordinances.
 - J. **Fire Extinguishers.** Every rooming house shall be provided with fire extinguishers of a minimum classification and shall be maintained in a safe and approved operating condition.
 - K. **Fire Stairs/Sprinkler System.** Every rooming house having habitable rooms located on floors exceeding two stories in height above grade, not counting basements, shall be provided with not less than two independent exits or exterior fire stairs from each floor above the second floor, fully accessible from each dwelling unit on the floor, or as an alternative, the entire dwelling shall be provided with a residential sprinkler system

installed in accordance with National Fire Protection Association Standard #13R. Penalty, see § 150.99.

- L. Carbon Monoxide Detectors.** Every rooming house within which fuel-burning appliances are present, that utilizes fuel-burning appliances for the heating of a rooming house, or within a rooming house that is located in a structure with an attached garage, shall be equipped with carbon monoxide detectors installed outside of each separate sleeping area in the immediate vicinity of each sleeping area and on each story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a carbon monoxide detector shall be installed on each level. The occupant of any dwelling unit shall be responsible for replacing the battery in battery-operated carbon monoxide detectors. The property owner shall be responsible for all maintenance of carbon monoxide detectors other than battery replacement. No person shall remove or render a carbon monoxide detector inoperative. Carbon monoxide detectors that are not self-contained or battery powered must satisfy Section 93.51(D), (E), and (F) of the Akron Codified Ordinances.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to protect residents from carbon monoxide poisoning, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed November 7, 2022

David R. Bircano
Clerk of Council

Ray Samuels
President of Council

Approved 11/8, 2022

David R. Bircano
MAYOR