

CHAPTER 521  
Health, Safety and Sanitation

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CROSS REFERENCES

See sectional histories for similar State law  
 Flagpole installation in sidewalk - see Ohio R.C. 723.012  
 Excavation liability - see Ohio R.C. 723.49 et seq.  
 Removal of noxious weeds or litter - see Ohio R.C. 731.51 et seq.  
 Nuisances - see Ohio R.C. Ch. 3767  
 Tampering with safety devices - see GEN. OFF. 541.04

521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(A) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi airtight container which has a capacity of one and one-half (1-1/2) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This Section shall not apply to an icebox, refrigerator or other airtight or semi airtight container located in that part of a building occupied by a dealer, warehouseman or repairman. (ORC 3767.29.)

(B) Whoever violates this Section is guilty of a misdemeanor of the fourth degree.

521.02 VENTING OF HEATERS AND BURNERS.

(A) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas or similar flue, and tending to give off carbon monoxide or other harmful

gases:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in Subsection (a)(1) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(B) This Section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue or hot plates, unless the same are used as space or room heaters.

(C) No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this Section. (ORC 3701.82.)

(D) Division (a) of this section does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the state fire marshal in the state fire code adopted by him under section 3737.82 of the Revised Code.

(E) The state fire marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from division (A) of this section when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the board of building standards under section 3781.10 of the Revised Code. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(F) The state fire marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas

heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.

(G) No product labeled as a fuel additive for kerosene heaters and having a flash point below one hundred degrees Fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale, or used in any kerosene space heater.

(H) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.

(I) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (a) of this section unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."

(J) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the state fire marshal in the state fire code adopted by him under section 3737.82 of the Revised Code. (ORC 3701.88).

(K) Whoever violates this Section is guilty of a misdemeanor of the first degree. (ORC 3701.99(C).)

#### 521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(A) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(B) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(C) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

(D) Whoever violates this Section is guilty of a minor misdemeanor.

#### 521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(A) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(B) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(C) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one (1) hour.

(D) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(E) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

(D) Whoever violates this section is guilty of a minor misdemeanor.

#### 521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES, CUT WEEDS.

(A) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

(1) To fill or drain any lot or land or remove any putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

(2) To cut and destroy noxious weeds as provided in Ohio R.C. 731.51 et seq.

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(B) Whoever violates this Section is guilty of a minor misdemeanor. (Ord. 29-74. Passed 4-1-74.)

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(A) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance. (ORC 723.011.)

(B) Whoever violates this Section is guilty of a minor misdemeanor.

521.07 LITTERING PUBLIC PLACES.

(A) No person shall drop, throw, place or deposit any dirt, paper, filth, ashes, shavings, straw, wood, refuse matter or rubbish of any kind whatever onto any street, lane, alley or public ground or place used as a street, lane, alley or public grounds in the City.

(B) No person, firm or corporation shall operate or cause to have operated any vehicle or construction equipment that drags, drops or deposits in any manner any dirt, paper, filth, ashes, shavings, straw, wood, refuse matter or rubbish of any kind whatever onto any street, lane, alley or public ground or place used as a street, lane, alley or public grounds in the City.  
(Ord. 9-69. Passed 2-10-69.)

(C) Whoever violates this Section is guilty of a minor misdemeanor.

521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC.

(A) No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.

(B) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.

(C) Whoever violates this Section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree.

**521.09 NOXIOUS OR OFFENSIVE ODORS.**

(A) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. (ORC 3767.13.)

(B) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(C) Whoever violates this Section is guilty of a misdemeanor of the third degree.

**521.10 HARBORING RATS; ABATEMENT OF NUISANCE.**

(A) No owner or occupant of any building or premises shall permit conditions to exist on his property which may allow the building or premises to become a rat harbor. The following enumerated conditions shall not be deemed to be exclusive and are hereby declared to be nuisances as conducive to harboring rats:

- (1) Broken building tile in areaways or in walls or foundations of garages.
- (2) Building materials or rubbish dumped or stored behind garages.
- (3) Garage foundations under which rats have burrowed.
- (4) Underground garbage containers around or under which rats have burrowed.
- (5) Portable play houses, dog houses, tool sheds and stored building materials resting directly on the ground surface or less than eight (8) inches above such surface.
- (6) Garbage containers without watertight bottoms and tight-fitting tops.
- (7) Concrete or wooden garage floors so broken that rats can burrow or have burrowed under them.
- (8) Compost piles or other areas where material is stored outdoors.

(B) No owner or occupant of any building or premises on which any rat harbor condition exists shall fail or refuse within five (5) days after being notified thereof by a health officer or the Director of Public Safety-Service to abate the same. In addition to any penalty for a violation hereof, such nuisance may be abated by the City in the manner now or hereafter provided by law.

(C) Whoever violates this Section is guilty of a minor misdemeanor. (Ord. 29-74. Passed 4-1-74.)

#### 521.11 COMPOST ACCUMULATION.

(A) Nothing in this Chapter shall be so construed as to prevent persons from creating and maintaining a compost pile as permitted by Health Dept. regulations provided such materials are not stored in quantities or locations prohibited by any other provision of this code.

(B) All such compost materials shall:

- (1) Consist of yard waste only. Food wastes are prohibited.
- (2) Not be visible from the street.
- (3) Not create a public nuisance or a nuisance to neighbors.
- (4) Not create a health or fire hazard.
- (5) Not be stored in the front or side yards.
- (6) Be stored at least 15 feet from any and all property lines.
- (7) Be operated in a proper manner so as not to create foul odors.
- (8) Be permitted if the compost pile is enclosed by a barrier not to exceed four feet (4') in height.
- (9) Not be in excess of one percent (1%) of the square footage of the lot or 75 sq. ft., whichever is less.
- (10) Not impede any natural water course or drainage runoff from property or any adjoining property.

(C) Whoever violates this Section is guilty of a minor misdemeanor. (Ord. 56-91. Passed 5-28-91.)

#### 521,99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

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