

## **TITLE FIVE - Housing Code.**

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### **CHAPTER 1341 - General Provisions**

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#### **1341.01 - SHORT TITLE**

This Housing Code (Title Five of Part Thirteen) shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Portsmouth".  
(Ord. 1963-38. Passed 4-11-63.)

#### **1341.02 - DEFINITIONS**

For the purpose of this Housing Code, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Approved" means approved in accordance with regulations promulgated by the codes and ordinances of the City.

(b) "Basement" means a portion of any dwelling located partly underground but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(c) "Building Code" means the Building Code of the City, being Part Thirteen of these Codified Ordinances.

(d) "Housing Inspector" means the Building Officer of the City or his authorized representative.

(e) "Cellar" means a portion of any dwelling having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(f) "City" means the City of Portsmouth, Scioto County, Ohio.

(g) "Dwelling" means any building or structure (except temporary housing) which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(h) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, commonly known as an apartment.

(i) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their living and nesting 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 method approved by an officer of the Board of Health of the City.

(j) "Garbage" means the animal, vegetable or mineral waste from the handling, preparation, cooking and consumption of food.

(k) "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 closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, basement recreation rooms and storage spaces.

(l) "Infestation" means the presence, within or around a dwelling, of any insects, rodents or other pests.

(m) "Multi-family dwelling" means any dwelling, or part thereof, containing more than two dwelling units.

(n) "Occupant" means any person, including an owner or operator, living, sleeping, cooking or eating in or having possession or use of a dwelling unit or rooming unit.

(o) "Openable area" means the part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(p) "Operator" means any person having charge, care, management or control of any dwelling or part of it, in which dwelling units or rooming units are let.

(q) "Owner" means any person who, alone, jointly or severally with others, holds legal or equitable title to any dwelling, dwelling unit, rooming house or rooming unit.

(r) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

(s) "Plumbing" means and includes all of the following: water heating facilities, 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 other similar supplied fixtures, together with all connections to water or sewer lines.

(t) "Plumbing Code" means the Plumbing Code of the City, being Part Thirteen - Title Three of these Codified Ordinances.

(u) "Premises" means a lot, plot or parcel of land, including the buildings and structures thereon.

(v) "Rooming house" means any dwelling, or part thereof containing one or more rooming units, in which space is let for compensation to three or more persons by the owner or operator, none of whom are spouse, child, parent, sister or brother.

(w) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(x) "Supplied" means paid for, arranged for, installed, furnished or provided by the owner or operator at his expense and under his control.

(y) "Two-family dwelling" means any dwelling containing two dwelling units.

(z) "Yard" means all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a dwelling.

(aa) "Housing Code" means Ordinance 1963-38, passed April 11, 1963, as amended, which is codified as Title Five of this Part Thirteen.

(Ord. 1963-38. Passed 4-11-63.)

### **1341.03 - CONFLICT OF LAWS; VALIDITY**

(a) Where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of this Housing Code (May 11, 1963), being applicable to existing housing, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. Where a provision of this Housing Code is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Housing Code (May 11, 1963), which establishes a lower standard for the promotion and protection of health and safety of the people, the provisions of this Housing Code shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found to be in conflict with this Housing Code.

(b) If any section, subsection, paragraph, sentence, clause or phrase of this Housing Code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Housing Code, which shall remain in full force and effect, and to this end the provisions of this Housing Code are hereby declared to be severable.

(Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1343 - Administration, Enforcement and Penalty**

- [1343.01](#) Duties of Housing Inspector; notice and order.
- [1343.02](#) Inspection of buildings and premises.
- [1343.03](#) Board of Housing Appeals established.
- [1343.04](#) Record of proceedings.
- [1343.05](#) Powers of the Board.
- [1343.06](#) Time for appeal.
- [1343.07](#) Hearing.
- [1343.08](#) Condemnation proceedings.
- [1343.09](#) Emergency order.
- [1343.10](#) Rooming house permit required.
- [1343.99](#) Penalty.

### CROSS REFERENCES

- Enforcement of Building Code - see BLDG. [1301.03](#)
- Unsafe and unsanitary buildings - see BLDG. Ch. [1311](#)
- Housing Inspector defined - see BLDG. [1341.01](#)(d)

### **1343.01 - DUTIES OF HOUSING INSPECTOR; NOTICE AND ORDER**

It shall be the duty of the Housing Inspector to enforce the provisions of this Housing Code. Whenever the Housing Inspector determines that there has been a violation of any provision of this Housing Code he shall give notice of such violation to the person responsible therefor and order compliance therewith, as hereinafter provided. Such notice and order shall:

- (a) Be in writing on an appropriate form;
- (b) Include a list of violations, refer to the section of this Housing Code violated and order remedial action which, if taken, will effect compliance with this Housing Code;
- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator or occupant of the procedure for appeal;
- (e) Be served upon the owner, operator or occupant in person; provided, however, that such notice and order shall be deemed to be properly served upon such person if a copy thereof is sent by registered mail and delivered to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected. (Ord. 1963-38. Passed 4-11-63.)

### **1343.02 - INSPECTION OF BUILDINGS AND PREMISES**

Upon the consent of the owner or tenant, the Housing Inspector or his authorized assistant is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within the City in order that he may perform the duty of enforcing the provisions of this Housing Code. For the purpose of making such inspections, and upon showing appropriate identification, the Housing Inspector or his authorized assistant is hereby authorized to enter, examine and survey at any reasonable hour all dwellings, dwelling units, rooming houses, rooming units and premises with the consent of the owner or tenant. Where the owner or tenant gives consent for the purpose of an inspection, examination and/or survey, the owner or occupant of every dwelling, dwelling unit, rooming house and rooming unit, or the person in charge thereof, upon being shown proper identification

and written consent, shall give the Housing Inspector or his authorized assistant free access to such dwelling, dwelling unit, rooming house or rooming unit and its premises at any reasonable hour for the purpose of such inspection, examination and survey. (Ord. 2014-31. Passed 7-28-14.)

### **1343.03 - BOARD OF HOUSING APPEALS ESTABLISHED**

There is hereby created the Board of Housing Appeals, located in the Department of Engineering, which shall hear appeals from any person allegedly aggrieved by any order of the Housing Inspector in the enforcement of the provisions of this Housing Code.

The Board shall serve without compensation and shall consist of the Mayor, the Solicitor and the President of Council. (Ord. 2003-27. Passed 3-10-03.)

### **1343.04 - RECORD OF PROCEEDINGS**

The Board shall determine its own rules and proceedings. A detailed record of all proceedings had by the Board will be kept on file in the Division of Building Inspection, Department of Engineering, which record shall be open to public inspection at all times. Such records shall be retained for at least three years before being destroyed. (Ord. 2003-27. Passed 3-10-03.)

### **1343.05 - POWERS OF THE BOARD**

The Board of Housing Appeals shall have the power to hear and decide appeals from any order, requirement, decision or determination of the Housing Inspector or other city official which involves an interpretation or application of the provisions of this Housing Code. (Ord. 2003-27. Passed 3-10-03.)

### **1343.06 - TIME FOR APPEAL**

Any person aggrieved by an order of the Housing Inspector may, within ten days after the issuance of such order, file an appeal with the Board. Such appeal shall be in writing on such forms as the Board shall prescribe and shall set forth in particularity the order or ruling appealed from and the ground on which the appellant alleges it to be invalid. (Ord. 1963-38. Passed 4-11-63.)

### **1343.07 - HEARING**

A quorum of the Board, which quorum shall consist of two members, shall hear such appeal upon written notice by the department issuing the order, on a date within thirty days after receipt of the appeal and at least two days' written notice of the hearing shall be given to the appellant. After the hearing, the Board shall sustain, modify or withdraw the order of the Housing Inspector by majority vote, depending upon its finding as to whether the provisions of the Housing Code have been complied with, and the appellant and the Housing Inspector shall be notified in writing of such findings.

The proceedings at such hearings, including the findings and decisions of the Board and the reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Housing Inspector. Such record shall also include a copy of every notice and order issued in connection with the matter. (Ord. 2003-27. Passed 3-10-03.)

### **1343.08 - CONDEMNATION PROCEEDINGS**

(a) General Provision. The designation of dwellings, dwelling units or rooming houses as unfit for human habitation and the procedure for the condemnation and placarding of such dwelling, dwelling unit or rooming house shall be carried out in compliance with the requirements set forth in this Building Code.

(b) Dwellings Unfit for Habitation. Any dwelling, dwelling unit or rooming house 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.

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(c) Vacation of Premises. Any dwelling, dwelling unit or rooming house 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. If a dwelling, dwelling unit, rooming house or rooming unit is not vacated within the time specified in such vacation order, the Housing Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.

(d) Re-occupancy of Dwelling. No dwelling, dwelling unit or rooming house 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 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.

(e) Tampering or Removing Placard. No person shall deface or remove the placard from any dwelling, dwelling unit or rooming house which has been condemned as unfit for human habitation and placarded as such.

(f) 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 Housing Appeals under the procedure set forth in this Housing Code. (Ord. 1963-38. Passed 4-11-63.)

### **1343.09 - EMERGENCY ORDER**

Whenever the Housing Inspector finds that an emergency exists in dwellings unfit for habitation which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order reciting the existence of the emergency and requiring immediate vacation and repair or demolition as deemed necessary to meet the emergency. Notwithstanding any other provision of this Housing Code, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately. (Ord. 1963-38. Passed 4-11-63.)

### **1343.10 - ROOMING HOUSE PERMIT REQUIRED**

No person shall operate a rooming house after June 1, 1963, unless he has a valid rooming house permit issued by the Housing Inspector in the name of the operator for the specific rooming house. The operator shall apply to the Housing Inspector for such permit, submitting

the required form and paying the required fee. The permit shall be issued by the Housing Inspector as soon as feasible after he has an opportunity to determine that the rooming house complies with the applicable provisions of this Housing Code. This permit shall be protected and displayed in a conspicuous place within the rooming house at all times and shall state the maximum occupancy permitted under the provisions of this Housing Code. Every person holding such a permit shall return such permit to the Housing Inspector within ten days after having sold, transferred, given away or otherwise disposed of the ownership, interest, control or operation of any rooming house. Every rooming house permit shall expire at the end of one year following the effective date of application unless sooner revoked as hereinafter provided. Upon application therefor, a rooming house permit may be reissued to another operator without charge. No permit shall be transferable from one rooming house to another.

(Ord. 1975-123. Passed 12-23-75.)

(a) Fee Schedule. The permit fee shall be twenty-five dollars (\$25.00) for each rooming house having less than six rooming units; forty dollars (\$40.00) for each rooming house having six to ten rooming units; eighty dollars (\$80.00) for each rooming house having eleven to twenty rooming units; and one hundred dollars (\$100.00) for each rooming house having more than twenty units. (Ord. 1991-97. Passed 8-13-91.)

(b) Denial. Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter pursuant to Section [1343.03](#) hereof.

(c) Rooming House Violations. Whenever, upon inspection of any rooming house, the Housing Inspector finds that conditions or practices exist which are in violation of any provision of this Housing Code, the Housing Inspector shall give notice in writing to the operator of such rooming house pursuant to Section [1343.01](#) hereof. At the end of the time period specified in the notice, the Housing Inspector shall re-inspect the rooming house and if he finds that such conditions or practices have not been corrected, and if no petition for hearing has been filed, he shall give notice in writing to the operator and owner that the permit has been revoked. Upon receipt of such notice, the operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.

(d) Revocation of Permit. Any person who has received notice that his permit is to be revoked unless existing conditions or practices at the rooming house are corrected, may, within ten days after receipt of such notice, request and shall be granted a hearing upon the matter pursuant to Section [1343.03](#) hereof. (Ord. 1975-123. Passed 12-23-75.)

### **1343.99 - PENALTY**

(a) Whoever violates any provision of this Housing Code is guilty of a misdemeanor of the third degree. Every day such violation continues shall constitute a separate offense.

(b) Whoever fails, neglects or refuses to obey an order of the Housing Inspector as provided in Section [1343.01](#) hereof is guilty of a misdemeanor of the third degree.

## **CHAPTER 1345 - Sanitation Facilities**

- [1345.01](#) Minimum standards.
- [1345.02](#) Dwelling units.
- [1345.03](#) Water line connections.
- [1345.04](#) Garbage and rubbish collection.
- [1345.05](#) Rooming house; additional sanitation standards.

### **CROSS REFERENCES**

- House connections - see S.U. & P.S. Ch. [925](#)
- Plumbing standards - see BLDG. Ch. [1331](#)
- Plumbing permits and fees - see BLDG. [1333.03](#)
- Condition of plumbing fixtures - see BLDG. [1351.06](#)
- Responsibility for sanitation - see BLDG. [1355.01](#)
- Storage of refuse - see GEN. OFF. [521.08](#)

### **1345.01 - MINIMUM STANDARDS**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the following minimum standards for basic equipment and facilities. (Ord. 1963-38. Passed 4-11-63.)

### **1345.02 - DWELLING UNITS**

Every dwelling unit shall contain within its walls:

- (a) Lavatory Facilities. A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.
- (b) Basin. A lavatory basin located in the same room as the required flush water closet. The flush water closet can be partitioned off in the room, as long as the flush water closet and/or basin are not in a habitable room.
- (c) Bathtub or Shower. A room, separate from the habitable room, which affords privacy to a person in the room and which is equipped with a bathtub or shower. This can be part of the lavatory facilities.

(1) Sharing by dwelling units in same dwelling. The occupants of not more than two adjacent dwelling units, not exceeding four people, which are located in the same dwelling may share a single flush water closet, a single lavatory basin and a single bathtub or shower, provided:

A. Neither of the two dwelling units contains more than two rooms. However, for the purpose of this subsection, a kitchen with not more than fifty square feet of floor area is not counted as a room.

B. The habitable room area of each of such dwelling units aggregates not more than 250 square feet.

C. The water closet and lavatory basin as well as the bathtub and shower are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through any portion of the dwelling unit of another person or outside the dwelling. Where there is more than one sleeping room in a dwelling unit, access to the bathroom must be provided without going through a sleeping room.

D. The bathtub or shower is within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

(d) Kitchen Sink. A kitchen sink in good working order. (Ord. 1963-38. Passed 4-11-63.)

### **1345.03 - WATER LINE CONNECTIONS**

(a) Requirements. Every kitchen sink, lavatory basin and bathtub or shower required by this Housing Code shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water heating facilities which 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 and bathtub or shower at a temperature of not less than 120 degrees Fahrenheit, even when the heating facilities required by this Housing Code are not in operation.

(b) Plumbing Fixtures. All plumbing fixtures required by this section shall be properly connected to the approved water system and to the approved sewerage system of the City, unless approved otherwise by the Board of Health of the City. (Ord. 1963-38. Passed 4-11-63.)

### **1345.04 - GARBAGE AND RUBBISH COLLECTION**

Every multi-family dwelling shall have approved common garbage and rubbish storage or disposal facilities. (Ord. 1963-38. Passed 4-11-63.)

### **1345.05 - ROOMING HOUSE; ADDITIONAL SANITATION STANDARDS**

(a) Lavatories. Every rooming house shall be equipped with at least one flush water closet, one lavatory basin and one bathtub or shower for each six persons or fraction thereof living within the rooming house, including members of the family of the owner or operator, if they share the use of facilities. In a rooming house in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to approved water and sewerage systems. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the Housing Inspector.

Every flush water closet, flush urinal, lavatory basin and bathtub or shower required by this subsection shall be located within the rooming house in a room or rooms which:

- (1) Afford privacy and are separate from the habitable rooms;
- (2) Are accessible from a common hall, without going outside the rooming house, or through a bedroom;
- (3) Are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

(b) Bedding and Towels. Where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he shall furnish clean bed linen and towels at least once a week and prior to the letting of any room to any occupant. (Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1347 - Ventilation, Light and Heating**

- [1347.01](#) Minimum standards.
- [1347.02](#) Windows and openable space.
- [1347.03](#) Lighting.
- [1347.04](#) Heating.

### **CROSS REFERENCES**

- Unvented gas heaters - see GEN. OFF. [521.02](#)
- Responsibility for heat - see BLDG. [1355.04](#)

### **1347.01 - MINIMUM STANDARDS**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the following minimum standards for ventilation, light and heating. (Ord. 1963-38. Passed 4-11-63.)

### **1347.02 - WINDOWS AND OPENABLE SPACE**

- (a) Habitable Rooms. The minimum total window area of every habitable room, other than a sleeping room, shall be ten percent (10%) of the floor area of such room, at least forty-five percent (45%) of such window area to be openable.
- (b) Sleeping Rooms. The minimum total window area of every sleeping room with 100 square feet or less of floor area shall be ten percent (10%) of the floor area. The minimum total window area of every sleeping room with more than 100 square feet of floor area be ten square feet plus two percent (2%) of each square foot of floor area over 100 square feet.
- (c) Glass-Fronted Porches. For the purpose of this section, where a living room faces onto a glass-fronted porch, the porch shall be considered as part of the living room if the total window and open area between the porch and the living room is at least fifteen percent (15%) of the floor area of the living room.
- (d) Bathrooms. Every bathroom and water closet compartment shall have at least one window facing to the outdoors and have a minimum openable area of four percent (4%) of the floor area of such room except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.
- (e) Laundry Rooms. Every laundry room shall have a minimum openable area of at least six square feet except where there is supplied some other device approved by the Building Inspector as affording adequate ventilation.
- (f) Insufficient Air Space. Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than three feet from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.
- (g) Skylight-Type Windows. A skylight-type window shall be considered as a window for the purpose of this section except in the case of a kitchen with more than fifty square feet in floor area, a living room or a sleeping room.
- (h) Public Halls and Stairways. Each public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately ventilated.  
(Ord. 1963-38. Passed 4-11-63.)

### **1347.03 - LIGHTING**

Every dwelling shall be supplied with electricity as follows:

(a) Habitable Rooms. Every habitable room shall contain at least two separate approved floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture.

(b) Bathrooms, Utility Rooms. Every water closet compartment, bathroom, laundry room and furnace room, shall contain at least one supplied ceiling-type electric light fixture. A wall-mounted type can be used provided it is mounted a minimum of five feet above the finished floor measured from the center of the outlet box for the mounting fixture.

(c) Public Halls. Every public hall in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture.

(1) Two-family dwellings, multi-family dwellings and rooming houses. Every public hall and stairway in every two-family dwelling, multi-family dwelling and rooming house shall be adequately lighted at all times except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full-time lighting system.

(d) Standards for Installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition and shall comply with applicable City codes and ordinances. (Ord. 1963-38. Passed 4-11-63.)

### **1347.04 - HEATING**

Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit when the outside temperature is ten degrees Fahrenheit at a point three feet above the floor.

Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this Housing Code and are prohibited.  
(Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1349 - Space and Occupancy**

- [1349.01](#) Minimum standards.
- [1349.02](#) Habitable floor area.
- [1349.03](#) Sleeping rooms.
- [1349.04](#) Calculation of floor area.
- [1349.05](#) Cellars.
- [1349.06](#) Basements.

### **CROSS REFERENCES**

- Rooming house permit - see BLDG. [1343.10](#)
- Private access to sleeping rooms - see BLDG. [1351.10](#)
- Notice of maximum occupancy - see BLDG. [1355.08](#)

### **1349.01 - MINIMUM STANDARDS**

No person shall occupy or let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the following minimum standards for space and occupancy. (Ord. 1963-38. Passed 4-11-63.)

### **1349.02 - HABITABLE FLOOR AREA**

Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant and at least 100 square feet of additional habitable floor area for each additional occupant.

For the purpose of this section a person under one year of age shall not be counted as an occupant. (Ord. 1963-38. Passed 4-11-63.)

### **1349.03 - SLEEPING ROOMS**

In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least sixty square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least forty square feet of floor area for each occupant twelve years of age and over and at least thirty square feet for each occupant under twelve years of age. (Ord. 1963-38. Passed 4-11-63.)

### **1349.04 - CALCULATION OF FLOOR AREA**

Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than five percent (5%) of the required habitable floor area.

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 any 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 to determine maximum permissible occupancy. (Ord. 1963-38. Passed 4-11-63.)

### **1349.05 - CELLARS**

No cellar shall be used for living purposes. (Ord. 1963-38. Passed 4-11-63.)

**1349.06 - BASEMENTS**

No basement shall be used for living purposes unless:

- (a) The floors and walls are substantially watertight;
- (b) The total window area, total openable area and ceiling height are in accordance with this Housing Code;
- (c) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stair wells or access ways.

(Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1351 - Maintenance of Structural Elements**

- [1351.01](#) Minimum standards.
- [1351.02](#) Foundations, exterior walls and roofs.
- [1351.03](#) Floors, interior walls and ceilings.
- [1351.04](#) Windows and exterior doors.
- [1351.05](#) Stairways and porches.
- [1351.06](#) Plumbing fixtures.
- [1351.07](#) Bathroom floor surfaces.
- [1351.08](#) Maintenance of required equipment and utilities.
- [1351.09](#) Egress.
- [1351.10](#) Private access to sleeping rooms.

### **CROSS REFERENCES**

Unsafe buildings - see BLDG. Ch. [1311](#)

Accessory buildings - see BLDG. [1355.09](#)

### **1351.01 - MINIMUM STANDARDS**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the following minimum standards for safe and sanitary maintenance. (Ord. 1963-38. Passed 4-11-63.)

### **1351.02 - FOUNDATIONS, EXTERIOR WALLS AND ROOFS.**

Every foundation, exterior wall and exterior roof shall be substantially weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (Ord. 1963-38. Passed 4-11-63.)

### **1351.03 - FLOORS, INTERIOR WALLS AND CEILINGS**

Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (Ord. 1963-38. Passed 4-11-63.)

### **1351.04 - WINDOWS AND EXTERIOR DOORS**

Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent-proof, and shall be kept in sound working condition and good repair. (Ord. 1963-38. Passed 4-11-63.)

### **1351.05 - STAIRWAYS AND PORCHES**

Every inside and outside stair and porch, and any appurtenance thereto, shall be safe to use, capable of supporting the load that normal use may cause to be placed thereon, and kept in sound condition and good repair. (Ord. 1963-38. Passed 4-11-63.)

### **1351.06 - PLUMBING FIXTURES**

Every plumbing fixture shall be properly installed and maintained in sound mechanical condition, free from defects, leaks and obstructions, and in accordance with Title Three - Plumbing Code. (Ord. 1963-38. Passed 4-11-63.)

### **1351.07 - BATHROOM FLOOR SURFACES**

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. (Ord. 1963-38. Passed 4-11-63.)

### **1351.08 - MAINTENANCE OF REQUIRED EQUIPMENT AND UTILITIES**

Every supplied facility and piece of utility equipment which is required under this Housing Code, and every chimney and smoke pipe, shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition. (Ord. 1963-38. Passed 4-11-63.)

### **1351.09 - EGRESS**

Each dwelling unit shall be provided with safe egress.  
(Ord. 1963-38. Passed 4-11-63.)

### **1351.10 - PRIVATE ACCESS TO SLEEPING ROOMS**

Access to sleeping rooms shall be had without passing through other rooms used as sleeping rooms or bathrooms. (Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1353 - Cooking Equipment**

[1353.01](#) Minimum standards.

[1353.02](#) Construction and maintenance.

[1353.03](#) Use of gasoline or kerosene as fuel.

### CROSS REFERENCES

Noxious odors - see GEN. OFF. [521.09](#)

Maintenance of equipment - see BLDG. [1351.08](#)

### **1353.01 - MINIMUM STANDARDS**

No owner, operator or occupant shall furnish or use any cooking equipment which does not comply with the following minimum standards. (Ord. 1963-38. Passed 4-11-63.)

### **1353.02 - CONSTRUCTION AND MAINTENANCE**

Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working order.  
(Ord. 1963-38. Passed 4-11-63.)

### **1353.03 - USE OF GASOLINE OR KEROSENE AS FUEL**

Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited. (Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1355 - Responsibilities of Owners, Operators and Occupants**

- [1355.01](#) Sanitation.
- [1355.02](#) Removal of waste matter.
- [1355.03](#) Extermination of habited structures.
- [1355.04](#) Heat.
- [1355.05](#) Utilities.
- [1355.06](#) Janitorial service.
- [1355.07](#) Transfer of responsibility.
- [1355.08](#) Notice of maximum occupancy.
- [1355.09](#) Accessory buildings.

### **CROSS REFERENCES**

- Inspections - see BLDG. [1343.02](#)  
Condemnation proceedings - see BLDG. [1343.08](#)  
Emergency order - see BLDG. [1343.09](#)

### **1355.01 - SANITATION**

- (a) Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard which he occupies and controls, and shall be responsible for his own misuse of areas and facilities available in common.
- (b) Every owner or operator of a two-family dwelling, multi-family dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.
- (c) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation. (Ord. 1963-38. Passed 4-11-63.)

### **1355.02 - REMOVAL OF WASTE MATTER**

- (a) Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection.
- (b) Every owner or operator of every rooming house shall dispose of all rubbish in a clean and sanitary manner by placing it in supplied and approved storage or disposal facilities which are safe and sanitary. (Ord. 1963-38. Passed 4-11-63.)

### **1355.03 - EXTERMINATION OF HABITED STRUCTURES**

- (a) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it or in the yard. In a two-family dwelling or a multi-family

dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof or substantially insect-proof condition, extermination shall be the responsibility of the owner or operator.

(b) Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.

(c) Every owner or operator of a rooming house shall be responsible for extermination of any insects, rodents or other pests in it or in the yard. (Ord. 1983-93. Passed 12-13-83.)

#### **1355.04 - HEAT**

During that time of the year when it is necessary, as determined by the Housing Inspector, every owner or operator of a two-family dwelling, multi-family dwelling and rooming house shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, which facilities are under the sole control of the occupant of such dwelling unit. (Ord. 1963-38. Passed 4-11-63.)

#### **1355.05 - UTILITIES**

No owner, operator or occupant shall cause any service equipment or utility which is required by this Housing Code to be removed, shut off 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 progress or during temporary emergencies. (Ord. 1963-38. Passed 4-11-63.)

#### **1355.06 - JANITORIAL SERVICE**

Every dwelling of five or more dwelling units in which the owner or operator does not reside shall have janitorial service. (Ord. 1963-38. Passed 4-11-63.)

#### **1355.07 - TRANSFER OF RESPONSIBILITY**

A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder, shall not relieve any part of his direct responsibility under this Housing Code. (Ord. 1963-38. Passed 4-11-63.)

#### **1355.08 - NOTICE OF MAXIMUM OCCUPANCY**

Every owner or operator shall advise the occupant in writing, either by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in the occupied premises under this Housing Code. (Ord. 1963-38. Passed 4-11-63.)

#### **1355.09 - ACCESSORY BUILDINGS**

Every accessory building is to have a solid foundation extending eighteen inches below grade line under same or a foundation resting on piers spaced not more than six feet apart. Walls of accessory buildings are not to lean or list and are to be vertical. All unsafe accessory buildings, buildings without foundations and buildings which are listing or leaning, are to be removed. (Ord. 1963-38. Passed 4-11-63.)

## **CHAPTER 1361 - Rental Dwelling Code**

<a href="#">1361.01</a>	Scope and intent.	<a href="#">1361.10</a>	Notice of change of ownership.
<a href="#">1361.02</a>	Rules and regulations.	<a href="#">1361.11</a>	Permit transfer
<a href="#">1361.03</a>	Health Commissioner hearing.	<a href="#">1361.12</a>	Transfer of ownership
<a href="#">1361.04</a>	Reinstatement.	<a href="#">1361.13</a>	Expiration and renewals.
<a href="#">1361.05</a>	Owner's right of entry.	<a href="#">1361.14</a>	Fees.
<a href="#">1361.06</a>	Intra-governmental cooperation.	<a href="#">1361.15</a>	Penalty assessment.
<a href="#">1361.07</a>	Restriction on employees.	<a href="#">1361.16</a>	Display of permit.
<a href="#">1361.08</a>	Permit required.	<a href="#">1361.17</a>	Notice to tenants.
<a href="#">1361.09</a>	Application.	<a href="#">1361.18</a>	Enforcement.
<a href="#">.1361.99</a>	Penalty.		

### **1361.01 - SCOPE AND INTENT**

This Code is to protect the public health, safety and welfare of occupants in all rental dwellings as hereinafter provided by inspection and enforcement of the International Property Maintenance Code and the Codified Ordinances of the City of Portsmouth, fixing the responsibilities of owners, operators and occupants of all rental dwellings and providing for the administration of the Rental Dwelling Code. (Ord. 2012-20. Passed 5-24-12.)

### **1361.02 - RULES AND REGULATIONS**

(a) The Health Commissioner shall ensure the periodic inspection of rental dwellings subject to the provisions governing the issuance of a permit for the operation of such rental dwelling. Tenants or occupants shall be given a minimum of forty-eight (48) hours' notice prior to an inspection; however, the forty-eight (48) hour notice may be waived by the tenant or occupant. All units shall be inspected not less than one (1) time per 3 calendar years.

(b) However, at the discretion of the Code Enforcement Official, only twenty-five (25) percent of units need to be inspected in a multi-unit dwelling consisting of six (6) or more units.

(c) All inspections of the dwellings shall be conducted in accordance with the International Property Maintenance Code and the Codified Ordinances of the City of Portsmouth.

(d) The Code Enforcement Official shall make inspections of rental dwellings pursuant to the requirements of this Code or in response to a complaint that an alleged violation of the provisions of this Code has been committed or when the Code Enforcement Official has a valid reason to believe that a violation of the provisions of the Code exists. If upon inspection, a structure, building or dwelling unit is found in violation of this Code, the Code Enforcement Official shall issue to the owner of said structure, building, or dwelling unit or his authorized agent a list of noted violations to be known as a "Notice of Violation". The owner or his authorized agent and/or the occupant(s), as appropriate, shall have a determined amount of days from the issuance of a notice of violation to correct such noted violations. The owner or agent may request and be granted a hearing with the Health Commissioner provided the request for such hearing is made within seven (7) days as specified in the "violation notice". If, after the determined amount of time specified from the issuance of a notice of violation, such noted violations have not been begun in good faith, nearly corrected or corrected, and the owner or agent has not requested a hearing with the Health Commissioner, the Code Enforcement Official shall issue an "Order to Comply". This "Order to Comply" shall list the violations initially found and not begun in good faith, nearly corrected, or corrected as evidenced by sufficient

documentation, in the notice of violation. The owner or his or her authorized agent shall have fifteen (15) days from the issuance order to correct such violations. If, after fifteen (15) days from the issuance of an "Order to Comply", such violations are not corrected, the Code Enforcement Official shall issue an order to suspend the permit to operate and/or implement the procedures for Condemnation by the Board of Health, Section [1311.01](#) of the Codified Ordinances of the City of Portsmouth. The owner or agent may appeal the suspension of their permit by requesting a hearing with the Board of Health, provided the request for such hearing is made within seven (7) days after the suspension of the permit. The tenant will be allowed to remain in the rental property during the appeal, unless the conditions were of such a significant health risk, that the property had been condemned under Section [1311.01](#) of the Codified Ordinances of the City of Portsmouth. (Ord. 2014-31. Passed 7-28-14.)

### **1361.03 - HEALTH COMMISSIONER HEARING**

After such hearing, prescribed in Section [1361.02](#)(d) herein, the Health Commissioner shall sustain, modify or withdraw the alleged violation/violations as listed on the violation notice depending upon his or her findings. Notice of the decision of the Health Commissioner shall be served on the owner or their authorized agent by certified mail or proof of mailing. (Ord. 2012-20. Passed 5-24-12.)

### **1361.04 - REINSTATEMENT**

A suspended permit shall be reinstated to the owner who was responsible for the rental dwelling at the time the permit to operate was suspended, when the circumstances leading to the suspension have been remedied, the condemnation has been lifted, and if applicable ordered by the Board of Health during the appeals process, provided it is the same calendar year for which the permit to operate was issued. If the conditions leading to the suspended permit are corrected in a following licensing period, the owner must apply as if for a new permit. (Ord. 2012-20. Passed 5-24-12.)

### **1361.05 - OWNER'S RIGHT OF ENTRY**

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or his or her agent or employee, access to any part of such dwelling or its premises at reasonable hours for the purpose of making such inspections, maintenance, repair or alterations as are necessary to comply with the provisions of this Code subject to notification as required by state law. (Ord. 2012-20. Passed 5-24-12.)

### **1361.06 - INTRA-GOVERNMENTAL COOPERATION**

The Code Enforcement Official may request the assistance and cooperation of any or all City departments necessary to enforce this Code. (Ord. 2012-20. Passed 5-24-12.)

### **1361.07 - RESTRICTION ON EMPLOYEES**

No officer or employee of the City who is charged with conducting rental property inspections shall be financially interested in the furnishing of labor, material, or appliances for the construction or alteration, or in the making of plans or specifications for or the renting of dwelling units within the City of Portsmouth, unless he or she is the owner-occupant of the same. (Ord. 2012-20. Passed 5-24-12.)

### **1361.08 - PERMIT REQUIRED**

All residential premises within the City of Portsmouth owned for rental purposes or occupied by a party (tenant) other than the owner (landlord) for a period of more than six (6) months during any single calendar year, shall require a rental dwelling permit from the Portsmouth City Board of Health, Environmental Health Division in accordance with Ohio R.C. 5321.01:

(a) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(b) "Landlord" means the owner, lessor, or sub-lessor of residential premises, the agent of the owner, lessor, or sub-lessor, or any person authorized by the owner, lessor, or sub-lessor to manage the premises or to receive rent from a tenant under a rental agreement.

(c) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. By local definition, "Residential premises" does not include a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following as well:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Ohio R.C. Chapter 3721;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to Agricultural Labor Camp Ohio R.C. 3733.41 to 3733.49;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to Ohio R.C. Chapter 3731, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085,26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:

A. The occupancy is for a period of less than sixty days.

B. The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:

1. Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;

2. Shelter for juvenile runaways, victims of domestic violence, or homeless persons.

(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.

501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(11) Government agency operated unit(s) that are inspected by a Portsmouth City Health Department approved agency. (Ord. 2012-20. Passed 5-24-12.)

### **1361.09 - APPLICATION**

(a) To obtain a rental dwelling permit, the owner of a rental dwelling as defined in this Code shall apply to the Board of Health of the Portsmouth City Health District. A rental dwelling permit shall be issued by the Code Enforcement Official, if upon inspection voluntarily permitted by the owner, occupant or other person in charge of the rental dwelling it is determined that the rental dwelling meets the requirements of this Code or the owner signs a statement certifying the rental dwelling meets the requirements of this Code. Upon application for a permit, the owner of a rental dwelling may rent or lease the premises at his or her own risk, subject to subsequent approval of the permit by the Code Enforcement Official. The Code Enforcement Official shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within thirty (30) days, comply with Code. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Section [1361.02](#). Upon implementation of this Code, all rental dwellings operating before December 31, 2012, that file an application by the initial deadline, will receive a permit without a pre-licensing inspection.

(b) Each person or entity seeking a rental dwelling permit or a renewal of a permit shall apply on a form prescribed and furnished by the Portsmouth City Board of Health. Failure to complete in full, the required permit application, shall be grounds for denial of a permit.

(c) In the event that the property owner resides outside of Scioto County, the property owner must ensure that the Health Department has access to the property. This can be accomplished by hiring a local agent, using a friend or relative or utilizing the renter themselves.

(d) The Rental Dwelling Permit shall state the maximum number of persons who may occupy the rental dwelling as determined by this Code and other ordinances of the City of Portsmouth. (Ord. 2014-31. Passed 7-28-14.)

### **1361.10 - NOTICE OF CHANGE OF OWNERSHIP**

Any person selling or otherwise relinquishing ownership or control of a rental dwelling for which a rental dwelling permit has been issued shall notify the Code Enforcement Official of said change of ownership within five (5) days of the effective date of the transfer. Such notice shall be in writing and shall include:

(a) The name and address and phone number of the new owner.

(b) The name and address and phone number of the previous owner.

When a rental property is sold, no refund will be issued, and the new owner will need to obtain a new permit. (Ord. 2012-20. Passed 5-24-12.)

### **1361.11 - PERMIT TRANSFER**

No rental dwelling permit shall be transferred to another. If there is a change of ownership, the new property owner shall procure a rental dwelling permit. The Code Enforcement Official shall issue a rental dwelling permit when the applicant submits a complete application and the Code Enforcement Official determines that the applicant meets all other requirements of this chapter and the rules adopted under it for receiving the permit.

(Ord. 2012-20. Passed 5-24-12.)

**1361.12 - TRANSFER OF OWNERSHIP**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish the Code Official a signed and notarized statement from the grantee, mortgage, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.  
(Ord. 2012-20. Passed 5-24-12.)

**1361.13 - EXPIRATION AND RENEWALS**

Every rental dwelling permit shall be renewed annually not later than thirty-first (31) day of December each year. (Ord. 2012-20. Passed 5-24-12.)

**1361.14 - FEES**

(a) The Portsmouth City Board of Health shall charge fees for issuing and renewing rental dwelling permits.

(b) The annual license fee for a rental dwelling permit per structure is dependent on the number of units in a dwelling. A unit is defined as a separate living space with its own entrance, such as a duplex or an apartment building. The cost of the permit per rental dwelling is as follows:

1 unit =	\$50
2 units (Duplex)=	\$80
3 units =	\$120
4 units=	\$160
5 units =	\$200
6 units =	\$240
7 units =	\$280
8 units =	\$320
9 units =	\$360
10 units =	\$400
11 units =	\$440
12 units or more=	\$480

(Ord. 2012-20. Passed 5-24-12.)

### **1361.15 - PENALTY ASSESSMENT**

If an application is not filed with the Portsmouth City Board of Health on or before the thirty-first (31) day of December, the Board of Health shall assess a penalty. The amount of the penalty shall be twenty percent (20%) per month of the required fee. For example, if a 3 unit rental dwelling has functioned without the required permit, the owner will accumulate a fine of thirty dollars (\$30.00) per month. If an applicant is subject to a penalty, the Code Enforcement Official shall not renew the permit until the applicant pays the penalty. (Ord. 2012-20. Passed 5-24-12.)

### **1361.16 - DISPLAY OF PERMIT**

The landlord or his or her agent shall provide a copy of the permit at the time of the inspection or have a copy of the permit displayed in each rental unit. (Ord. 2012-20. Passed 5-24-12.)

### **1361.17 - NOTICE TO TENANTS**

It shall be the responsibility of the owner, operator, or agent of a rental dwelling to give notice of his or her permit from the Portsmouth City Board of Health to tenants in one of the following authorized methods prior to the commencement of a rental term with said tenant:

(a) Place upon all written rental agreements the following notice: "This rental dwelling has received a permit from the Board of Health for the period of (date) to (date) for not more than (number) occupants. Be advised that both landlords and tenants have certain responsibilities to each other as set forth in the Housing Code of the City of Portsmouth, Chapter [1349](#), including an annual inspection by the Portsmouth City Health Department. You will receive at least a 24-hour notice and be required to open your home to inspection at the designated appointment time."

(b) If the rental agreement is oral, the owner, operator, or agent shall deliver to the tenant a written statement and notice as is described in subsection (a) hereof before the occupant takes possession of rental dwelling. (Ord. 2012-20. Passed 5-24-12.)

### **1361.18 - ENFORCEMENT**

The Code Enforcement Official is hereby charged with the enforcement of this Chapter, the International Property Maintenance Code, and any other chapters of the Codified Ordinances of the City of Portsmouth to ensure rental dwellings are safe, sanitary and fit for occupancy in the City of Portsmouth. (Ord. 2012-20. Passed 5-24-12.)

### **1361.99 - PENALTY**

Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 2012-20. Passed 5-24-12.)