

ORDINANCE NO. 1289 AC CMS

AN ORDINANCE REGULATING ROOMING HOUSES AND RESCINDING
CERTAIN SECTIONS OF THE OBERLIN CODIFIED ORDINANCES

BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, Ohio, a majority of those members elected thereto concurring:

SECTION 1. That Chapter 761, Rooming Houses, of the Oberlin Codified Ordinances is hereby rescinded.

SECTION 2. That Title Five, Zoning Ordinance, of the Oberlin Codified Ordinances is hereby amended to add Chapter 1353, Rooming Houses, reading as follows:

CHAPTER 1353 ROOMING HOUSES

1353.01 Rooming House Definition

A rooming house shall be any building in which separate sleeping rooms are rented and which provides sleeping accommodations for fee for at least three but not more than twenty persons, on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.

1353.02 License Required; display; location restricted.

(a) License Required. No person shall operate a rooming house unless he holds a valid rooming house license issued by the Code Administrator in the name of the operator. The operator shall apply to the Code Administrator for such license which shall be issued only after the applicable provisions of this chapter and of the Housing and Zoning Codes are complied with.

(b) Display. The rooming house license shall be displayed in a conspicuous place within the rooming house at all times. The license shall not be transferable.

(c) Location Restricted. A rooming house license shall be issued only for a dwelling house, building or other structure located in the Zoning districts as provided in the Zoning Code.

1353.03 Planning Commission Review Required

All requests for rooming house licenses shall be submitted to the Oberlin Planning Commission for its review and approval. The Planning Commission shall approve a request for a rooming house license unless:

1. There is a finding by the Commission that the City or adjacent property will be adversely affected, or
2. The zoning district in question prohibits rooming houses, or
3. The proposed rooming house does not comply with building standards as provided in this chapter or applicable building and housing codes, or
4. The proposed rooming house does not comply with the design standards of the Off-Street Parking Chapter, 1349.

1353.04 Planning Commission Procedure

- (a) Preliminary Proposal. The operator of a proposed rooming house may submit on an informal basis a plan of development showing the general internal layout of the rooming house and locating the building in relation to the immediate neighborhood.
- (b) Informal Review. The Planning Commission will meet with the operator on an informal basis and discuss this proposed plan.
- (c) Formal Rooming House Application. A formal application for approval of a rooming house license shall be initiated by a proposed operator by filing with the Code Administrator the following material:
 1. A plot plan to a scale of 1" to 20' showing the lot upon which the rooming house is to be located and all other lots within a 200 foot radius of the property line of the proposed rooming house. The plan should include all existing and any proposed buildings.
 2. Information relating to the existing population densities of dwellings within a 200 foot radius of the property line of the proposed rooming house.
 3. Names and addresses of the property owners of the dwellings identified in number (2) above.
 4. Accurate plans on a scale of 1" to 4' of the interior of the proposed rooming house.
 5. Any necessary parking plans as required by Chapter 1349 of the Zoning Code.

(d) Commission Evaluation. There shall be at least one public meeting of the Commission subsequent of the formal application in which the Commission shall evaluate the rooming house application and all data submitted by City staff members. In evaluating the rooming house proposal the Commission members shall consider:

1. A report from the Code Administrator as to the conformance of the rooming house with the City's building and housing codes and this chapter.
2. A report from the City Engineer as to the conformance of the rooming house with the Off-Street Parking Code.
3. Comments from land owners within a 200 foot radius of the proposed rooming house lot perimeter.

1353.05 Change of Ownership; Expiration of Licenses.

Every person holding a rooming house license shall give notice in writing to the Code Administrator within five days after having sold, transferred, given away or otherwise disposed of ownership or control of such rooming house. Every rooming house license shall expire on June 30 of each year unless suspended or revoked earlier as hereinafter provided. An annual inspection and renewal is required. Renewal of licenses may be approved by the Code Administrator and are not subject to the review of the Planning Commission unless there is a structural change made to the rooming house or there is a proposed increase in the number of occupants.

1353.06 License Fees; Inspections.

The initial fee for a rooming house license for ten roomers or less, as well as the renewal fee, shall be fifteen dollars (\$15.00). For more than ten roomers, the fee shall be fifteen dollars (\$15.00) for the first ten and fifty cents (50¢) for each roomer over and above ten. If, upon inspection it is found that the rooming house does not meet the requirements of this chapter and of the Housing Code, the operator shall be informed in writing of the deficiencies and a date shall be set for compliance and reinspection thereof. If the reinspection reveals that the deficiencies have not been corrected, the license shall be denied and the fee not returned. In such an event, a new application and fee must be filed and paid for each inspection required before the premises are found to meet all the rules and regulations set forth in this chapter and in the Housing

Code. An annual inspection is required but the renewal fee shall be reduced to five dollars (\$5.00) if the rooming house passes inspection on the first inspection for the renewal.

The amount of all fees hereinbefore established shall be doubled if at the time application is made, such applicant is operating a rooming house without a license or with an expired license. There shall be extended a sixty-day grace period in renewing a license.

1353.07 Issuance and Suspension of Licenses; Hearings.

(a) Any person whose application for an initial license or license renewal to operate a rooming house has been denied or suspended by either the Planning Commission or Code Administrator, for reasons set forth in this chapter, may request and shall be granted a hearing on the matter before Council and in the same manner as an appeal for violation of the Housing Code as set forth in subsection (b) hereof.

(b) Whenever, upon inspection of any rooming house, the Code Administrator finds that conditions or practices exist which are in violation of any provision of the Housing Code or of any rule or regulation adopted pursuant thereto, he shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within thirty days, the operator's rooming house license shall be suspended. At the end of such period, the Code Administrator shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's license has been suspended.

(c) Any person whose license to operate a rooming house has been suspended, or who has received notice from the Code Administrator that his license is to be suspended unless existing conditions or practices at this rooming house are corrected, may request and shall be granted a hearing on the matter before Council; provided, that if no petition for such hearing is filed within ten days following the day on which such license was suspended, the license shall be deemed to have been automatically revoked.

1353.08 Plumbing Requirements.

At least one flush water closet, lavatory basin and bathtub or shower properly connected to a public water and sewer system or to a water and sewer system approved by the Housing Inspector, and in good working condition, shall be supplied for each ten persons or fraction thereof residing within a rooming house including members of the operator's family wherever they share the use of the facilities. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory, basin and bathtub or shower shall be supplied with hot water at all times.

1353.09 Area & Ventilation Requirements; Health; Safety & Sanitation.

Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant thereof.

Dormitories for sleeping purposes may be provided for occupancy by more than six persons in college dormitories, college fraternities, college sororities and college club houses, subject to all the provisions of this chapter and other relevant provisions of these Codified Ordinances, except the floor space requirements thereof. However, such dormitories for sleeping purposes shall comply with the following requirements:

(a) Beds: Beds shall have not more than two decks each. A bed shall be defined as any bunk, cot or other furniture equipment used for sleeping purposes.

(b) Exits and Aisles. Clear space at least three feet wide shall be provided for not less than three feet in front of each fire exit and stairway and shall be connected by an aisle at least three feet wide to a center of the main aisle. Any center or main aisle shall be at least three feet wide.

(c) Spacing Beds. Space at least two feet wide shall be provided at the ends of beds and between the ends of beds arranged end to end, except that center or main aisles between ends of beds shall be at least three feet wide. Space at least thirty inches wide shall be provided along each long side of each bed, but where such space is a center or main aisle it shall be at least three feet wide.

(d) Adequate Air. Adequate air space shall be provided, but where, due to low ceilings, substandard window area or other substandard conditions in any sleeping dormitory, a lesser air space is provided per bed than specified by the Ohio Building Code, in approved ventilation facilities that provide recirculation and change of air sufficient to overcome such deficiency may be approved after inspection.

(e) Safety, Health, Building and Housing Standards. All rules, regulations and requirements of these Codified Ordinances shall apply to all dormitories, except that State rules, regulations and requirements shall take precedence.

1353.09 Egress.

In every structure used for rooming house purposes, there shall be not less than two stairways for egress from each floor above the first floor. One of such stairways may be an outside stairway or fire escape of steel or wood leading to ground level. Such outside stairway shall be accessible through a door, unlockable from within, located in a hallway or in a room which is not occupied, directly reaching from a hall through a door without a locking device or bolt of any kind, and shall be located as remotely as possible from the inside stairway. All wells and areaways shall be protected with guardrails.

1353.10 Maintenance; Responsibility of Operator.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for maintenance in a sanitary condition of every part of the rooming house. He shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

1353.11 Fire Extinguishers.

- (a) Every rooming house wherein ten or more persons are lodged shall be equipped with a suitable number of fire extinguishers bearing approval of the National Board of Fire Underwriters, the type of such extinguishers to meet the approval of the Fire Chief or his Deputy.
- (b) There shall be at least one approved extinguisher as designated by the Fire Chief, or His Deputy, on each floor of each rooming house required to be equipped with fire extinguishers by subsection (a) hereof. Where any floor area is in excess of 2,000 square feet, there shall be installed one additional approved fire extinguisher for each such 2,000 square feet of floor area, or fraction thereof.
- (c) All fire extinguishers shall be inspected and recharged as per instruction for each particular type of extinguisher and the date of such inspection and/or recharge shall be duly recorded on each extinguisher.
- (d) The location of all such fire extinguishers as are required under this section, shall be indicated and approved by the Chief of the Fire Department, or his Deputy, and all such fire extinguishers shall be kept in good repair and in operating condition at all times.

1353.12 Exit Signs.

In rooming houses of over ten people, an illuminated exit sign shall be installed over each stairway and emergency means of exit. Such exit sign shall remain lighted at all times. The circuit supplying exit signs shall not supply other lights, receptacles or appliances and shall be so connected that there will be only one set of fuses between the same and service fuses.

1353.13 Bedfast and Feeble Persons.

In all rooming houses, all bedfast and feeble persons shall be lodged on the first floor.

1353.14 Penalty.

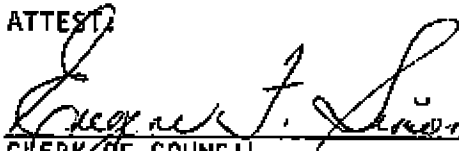
Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor. Each day of violation shall constitute a separate offense.

SECTION 3. That paragraphs 1151.18, 1151.19, 1231.32, 1321.44 and 1321.52 of the Oberlin Codified Ordinances are hereby rescinded.

SECTION 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st reading: 6/20/77
2nd reading: 7/5/77 (TABLED)
2nd reading: 8/29/77 (AMENDED)
3rd reading: 9/6/77

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: 9/7/77