

Exhibit A

Redlines showing proposed changes to TMC §§ 1301.02, 1301.06, 1301.13, 1303.01, 1303.02, 1303.03, 1303.04, 1303.07, 1303.08, 1303.09, 1305.02, 1305.09, 1309.04, 1309.08, 1313.04, 1361.03, 1361.10; repeal of § 1309.09; and proposed language for enactment at § 1367.04

SECTION 2. That a new Toledo Municipal Code, Part Thirteen, §1301.02 is enacted to state as follows:

§1301.02 Administration and enforcement; scope.

(a) This Part Thirteen-Building Code shall be administered and enforced by Building Inspection, a division in the City's Department of Building and Code Compliance, and as provided by Chapter 1303. The Division of Building Inspection shall be a state-certified building inspection department as defined by the Ohio Board of Building Standards through its Ohio Building Code. The Director of the Department of Building and Code Compliance and the Commissioner of Building Inspection shall direct, supervise and manage all administrative and fiscal operations and matters relating to this Part Thirteen-Building Code as well as those other sections of the Municipal Code identified as Housing Code, Nuisance Abatement, Property Maintenance and Vacant Properties. The Chief Building Official shall be responsible for enforcing the most current editions of the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes adopted by the State of Ohio through the State's Board of Building Standards, and as adopted by this Municipal Code as referenced authorities. In all matters of building code compliance and building code enforcement, the Chief Building Official shall be the City's final authority.

(b) This Part Thirteen-Building Code presumptively provides for matters concerning, affecting or relating to the construction, alteration, repairs, removal, demolition, equipment, use and occupancy, location and maintenance of buildings or structures, erected or to be erected in the City, except insofar as such matters are otherwise provided for in the City Charter, in other statutes or ordinances, or in rules duly promulgated under the provisions of this Part Thirteen-Building Code.

SECTION 4. That a new Toledo Municipal Code, Part Thirteen, §1301.06 is enacted to state as follows:

§1301.06 Codes applicable.

(a) Residential. One, two and three-family dwellings shall be constructed, altered or repaired in accordance with the requirements of the most current edition of the Residential Code of Ohio (RCO) For One, Two and Three Family Dwellings adopted by the State of Ohio and as otherwise provided under this Part Thirteen, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(b) Commercial and Residential Structures greater than three dwelling units. Buildings whose occupancy is other than noted in subsection (a) above shall be constructed in accordance with the requirements of the most current edition of the Ohio Building Code (OBC) adopted by

the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards.

(c) In the event of conflict between the administrative provisions (Article 1) of the Ohio Building Code or the entire Residential Code of Ohio for One, Two and Three Family Dwellings and this Part Thirteen-Building Code, the provisions of the Ohio Building Code or the Residential Code of Ohio shall control.

(d) The most current edition of the following codes, adopted by the State of Ohio, including such revisions and amendments as adopted by the State of Ohio Board of Building Standards is adopted by the City of Toledo and shall be in force for all residential and commercial structures:

- (1) Ohio Building Code,
- (2) Residential Code of Ohio for One Two, and Three Family Dwellings,
- (3) Ohio Plumbing Code,
- (4) Ohio Mechanical Code,
- (5) Ohio Boiler Code,
- (6) Ohio Elevator Code,
- (7) International Energy Codes or ASHRAE 90.1
- (8) Ohio Building Code Accessibility Guidelines and ADAAG,
- (9) National Fire Protection Association Standards as adopted by the referenced Codes herein;
- (10) Ohio Fire Prevention Code, and
- (11) Ohio Existing Building Code

(e) The City of Toledo also adopts the most current edition of the following codes, including such revisions and amendments, for all residential and commercial structures:

- (1) International Property Maintenance Code,
- (2) International Fire Code,
- (3) City of Toledo Fire Prevention Code found in the Toledo Municipal Code, Part 15

SECTION 6. That a new Toledo Municipal Code, Part Thirteen, §1301.13 is enacted to state as follows:

§1301.13 *Disconnecting and re-establishing electrical service.*

(a) The Chief of the Fire and Rescue Operations Department, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official, or a competent person designated by them, shall have the power to at once cause the removal of all wires, or the turning off of all electrical currents where the circuits interfere with the work of the Fire and Rescue Operations Department during the progress of a fire.

(b) The Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official are hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed to be in unsafe condition or which have not been installed in conformity with the provisions of this chapter.

(c) Electrical supply to such conductors or apparatus shall be re-energized only after the connections have been made and the inspection tag of the Division of Building Inspection attached thereto. No electrical service may be connected by the utility until first having a release from the Division of Building Inspection.

SECTION 8. That a new Toledo Municipal Code, Part Thirteen, §1303.01 is enacted to state as follows:

§1303.01 Responsibilities Generally.

(a) The Director of Building and Code Compliance shall generally supervise the activities of the Commissioner of Building Inspection, the Chief Building Official, and the supervisory staff of the Division of Building Inspection.

(b) The Director of Building and Code Compliance shall administer, supervise, and direct the operations of the Division of Code Enforcement. The Director of Building and Code Compliance shall be responsible for scheduling inspections made by City employed general inspectors; and for confirming that their findings are recorded and posted. The Director of Building and Code Compliance shall be the Administrator of the Nuisance Abatement Housing Appeals Board.

(c) The Director of Building and Code Compliance shall ensure the activities of the Department work in coordination with other city departments, such as Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

SECTION 10. That a new Toledo Municipal Code, Part Thirteen, §1303.02 is enacted to state as follows:

§1303.02 Commissioner of Building Inspection.

(a) The Commissioner of Building Inspection (Commissioner) shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Commissioner of Building Inspection shall be accountable to the Mayor through the Director of Building and Code Compliance and is responsible for the effective administration and management of the operations of the Division and its staff on a day-to-day basis.

(b) To provide the most efficient service to the public and to promote the economic interests of the City, the Commissioner of Building Inspection shall monitor and integrate the performance of the Division with other City Departments, such as the Departments of Environmental Services, Health, Fire Prevention Services, Neighborhoods, Public Service, the various Divisions of the Department of Public Utilities and the Toledo Plan Commission.

(c) The Commissioner shall have at least ten (10) years experience in the construction industry, in building design, in construction management, or related construction technologies. He shall have sufficient knowledge of the State's building codes, the International Property

Maintenance Codes, the City's zoning codes identified in Chapter Eleven - Zoning; the City's housing and vacant buildings codes identified in sections of Chapter Seventeen - Health Code of this Municipal Code; the city's permit processing system; the City's contractor and trades licensing procedures; and floodplain management procedures to enable him to perform his duties effectively.

(d) The Commissioner of Building Inspection shall be the Administrator of the Board of Building Appeals, the Board of Zoning Appeals, the Home Improvement and Remodelers' Board of Control, and the various Boards of Control for mechanical and electrical trades as well as contractors and shall report any actions, information and findings of pertinence to these Boards which occur between their meetings.

(e) The Commissioner of Building Inspection shall develop permit application documents in compliance with the provisions set forth by the State's Board of Building Standards. The Commissioner of Building Inspection shall be responsible for receiving construction documents and permit applications and shall forward same to the Chief Building Official for review. The Commissioner of Building Inspection shall supervise the collection, storage, and retrieval of data and public records associated with the Division.

(f) The Commissioner of Building Inspection, in concert with the Chief Building Official, shall render written procedures and policies for processing permits, plan review, inspections, licenses, and registrations in compliance with the State's Board of Building Standards and this Chapter Thirteen. However technical rulings and opinions which are distinctly building code-related shall be created and delivered by the Chief Building Official.

(g) The Commissioner of Building Inspection shall be responsible for scheduling inspections made by City employed, State-certified inspectors and for confirming that their findings are recorded and posted.

(h) The Commissioner of Building Inspection shall assist the Chief Building Official to implement and administer the City's floodplain management policies and procedures.

(i) In the temporary absence of the Commissioner, either the Director or the Chief Building Official will assume the Commissioner's duties and responsibilities.

SECTION 12. That a new Toledo Municipal Code, Part Thirteen, §1303.03 is enacted to state as follows:

§1303.03 Chief Building Official.

(a) The City shall have in its employ an official who holds the State certification of Building Official. Said professional shall be designated by the Mayor and approved by City Council as the City's Chief Building Official, commonly referred to as CBO. The Chief Building Official shall report to the Mayor, through the Commissioner of Building Inspection and Director of Building and Code Compliance. The Chief Building Official shall maintain his certification credentials, and that of the Division's, in an active and current status with the State of Ohio.

(b) The Chief Building Official shall be responsible for enforcing and administering the Ohio Building Code, the Residential Code of Ohio, and the associated mechanical and electrical codes currently adopted by the State of Ohio through the State's Board of Building Standards. He shall be generally informed on the quality and strength of building materials, on the prevailing

methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electrical, heating, refrigeration and other installations for the safety and welfare of the occupants, as specified by the State of Ohio Board of Building Standards. In all such matters of code compliance and code enforcement, the Chief Building Official shall be the City's final authority.

(c) The Chief Building Official shall devote his whole time to the duties of his office. He shall be capable of making necessary examinations and inspections of buildings in the course of construction or demolition, or shall direct the City's staff-based, State-certified inspectors to perform such inspections. He shall be responsible for maintaining a log to track the results of such inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction.

(d) The Chief Building Official shall review, or direct the review of, all submitted applications and construction documents and shall issue permitted approvals and certificates of occupancy in compliance with procedures as prescribed by the State Board of Building Standards. He shall render opinions consistent with the compliance and enforcement of the provisions of the existing building, mechanical, electrical, and fire codes adopted by the State of Ohio and the Toledo Municipal Code.

(e) The Chief Building Official (CBO), in concert with the Commissioner of Building Inspection shall develop and render procedural documents which give greater clarity to building code related matters. However rulings which are distinctly building code related shall be delivered by the CBO.

(f) The Chief Building Official shall supervise the fire inspection staff in fire safety plan review and inspections involving pre-occupied new structures or existing structures which are being altered, improved, or remodeled and require building permits and a certificate of occupancy.

(g) The Chief Building Official shall be the City's Floodplain Administrator and shall implement and administer the City's floodplain management policies and procedures. He shall communicate with federal, state, and local agencies as the City's official representative in floodplain management matters. He shall execute all documents related to construction activities in special flood hazard areas. He shall maintain records of Letters of Map Amendments (LOMAs), Letters of Map Revisions (LOMRs), Floodplain Economic and Business Development permits, Community Acknowledgement forms, and other such federally mandated records and certificates associated with the City's involvement in floodplain management. He shall be responsible for the City's participation in the Community Rating System which establishes flood insurance rates for the community. The Chief Building Official shall be assisted by the Commissioner of Building Inspection in matters pertaining to floodplain management.

(h) In the temporary absence of the Chief Building Official (CBO), a person who holds the State certification of Building Official, and has been designated to the State's Board of Building Standards as an alternate, shall assume the CBO's responsibilities.

SECTION 14. That a new Toledo Municipal Code, Part Thirteen, §1303.04 is enacted to state as follows:

§1303.04 *Inspections.*

(a) Certified inspections required by the State Board of Building Standards and by the provisions of this Part Thirteen - Building Code shall be made by, or under the authority of, the Chief Building Official, or duly designated, City staff-based, and State-certified inspectors.

(b) General inspections required under the provisions of Part Eleven - Zoning Code and Part Seventeen - Health Code, shall be made under the authority of the Director of Building and Code Compliance, by inspectors trained to identify property maintenance and nuisance abatement issues.

SECTION 16. That a new Toledo Municipal Code, Part Thirteen, §1303.07 is enacted to state as follows:

§1303.07 *Reports.*

(a) The Director of Building and Code Compliance shall make reports to the Mayor in accordance with Administrative regulations or as requested. Such reports shall include statements of permits and certificates issued and orders propagated by the Department.

SECTION 18. That a new Toledo Municipal Code, Part Thirteen, §1303.08 is enacted to state as follows:

§1303.08 *Cooperation of other Offices.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, and the Chief Building Official may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Director of Law in prosecuting violations, and of all other City officials in the enforcement of their duties under this Code.

SECTION 20. That a new Toledo Municipal Code, Part Thirteen, §1303.09 is enacted to state as follows:

§1303.09 *Right of entry.*

(a) The Director of Building and Code Compliance, the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff are authorized to enter a structure or premises at reasonable times to inspect or to perform the duties imposed by this code provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the Director of Building and Code Compliance the Commissioner of Building Inspection, the Chief Building Official or their City-employed staff has probable cause to believe that there exists in a structure or upon a premises a

condition which is a serious hazard, the Director of Building and Code Compliance, the Commissioner of Building Inspection, or the Chief Building Official shall have recourse to the remedies provided by law to gain and secure entry.

SECTION 22. That a new Toledo Municipal Code, Part Thirteen, §1305.02 is enacted to state as follows:

§1305.02 *Permits: when not required.*

No permit shall be required for maintenance, work listed below at subsections (a) and (b), or any other work as described in Ohio Building Code 102.10 Work Exempt From Approval and Residential Code of Ohio 102.10 Work Exempt From Approval.. Exemptions from obtaining a permit required by this Building Code shall not be construed as to authorize any work to be performed in violation of any applicable codes or any other provision in this Part Thirteen - Building Code.

(a) For residential properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) Buildings:

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred square feet (18.58 m²) and playground structures.

B. Fences not over six feet (1829 mm) high.

C. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

D. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

F. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

G. Swings and other playground equipment accessory to a one, two, or three-family dwelling.

H. Window awnings supported by an exterior wall which do not project more than fifty-four inches (1372 mm) from the exterior wall and do not require additional support.

I. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling, and do not serve as the exit door.

J. Above-ground storage tanks as defined in rule 4101:8-2-01 of the Ohio Administrative Code and the associated tank foundations.

K. Battery operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

(2) Electrical:

- A. Listed cord-and-plug connected temporary decorative lighting.
- B. Reinstallation of attachment plug receptacles but not the outlets thereof.
- C. Replacement of branch circuit overcurrent devices of the required capacity and type in the same location.
- D. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- E. Repairs and Maintenance, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- F. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.
- G. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of [NFPA 70](#).

(3) Gas:

- A. Portable heating, cooking, or clothes drying appliances.
- B. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- C. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- D. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.
- E. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Mechanical:

- A. Portable heating appliances.
- B. Portable ventilation equipment.
- C. Portable cooling units.
- D. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Residential Code of Ohio.
- E. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
- F. Portable evaporative cooler.
- G. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- H. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- I. Heating and cooling distribution piping owned and maintained by public or municipal utilities.
- J. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(4) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and an approval shall be obtained and inspection made as provided in the Residential Code of Ohio.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

(b) For all other properties, provided that the work is done in accordance with all other applicable provisions, approval shall not be required for the following work:

(1) Buildings:

A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and playground structures.

B. Fences not over 7 feet (2134 mm) high.

C. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

D. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.

E. Sidewalks, parking lots and driveways not more than 30 inches (762 mm) above grade, not over any basement or story below, and not part of an accessible route.

F. Finishes not regulated by this code, decorating, or other work defined as maintenance or minor repair.

G. Temporary motion picture, television and theater stage sets and scenery.

H. Window awnings supported by an exterior wall of Group R-3.

I. Tents and membrane structures exempted in Ohio Building Code Section 3103.1.3.

J. Above-ground storage tanks as defined in rule 4101:1-2-01 of the Administrative Code and the associated tank foundations.

K. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

L. Battery-operated smoke or carbon monoxide alarms installed in existing buildings where no construction is taking place.

M. Signs painted directly on building surfaces.

N. Temporary yard signs.

O. Signs not more than 21/2 square feet in area (0.23 m²).

P. Signs required in accordance with the provisions of Ohio Building Code, Chapter 11.

Q. Signs undergoing minor repairs in accordance with Ohio Building Code Section 102.10.2.

S. Temporary or time-limited occupancy of a building used or constructed to respond to conditions directly connected to an emergency declaration issued by the governor or federal government.

(b) Electrical:

A. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

B. Electrical equipment used for radio and television transmissions except equipment and wiring for power supply, and the installations of towers and antennas.

C. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

D. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, unless specifically addressed in the Ohio Building Code.

E. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.

F. Electrical wiring equipment not connected to building services equipment in and adjacent to natural or artificially made bodies of water as defined in Article 682 of NFPA 70.

(c) Gas:

A. Portable heating appliances.

B. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.

C. Gas distribution piping owned and maintained by public or municipal utilities and located upstream of the point of delivery.

D. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

E. When installed by the servicing gas supplier, replacement of existing LP-gas containers by servicing gas supplier of the same capacity in the same location and associated regulators.

(d) Mechanical:

A. Portable heating appliances.

B. Portable ventilation equipment.

C. Portable cooling units.

D. Replacement of any part of an appliance that does not alter its approval or make it unsafe.

E. Portable evaporative cooler.

F. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

G. Heating and cooling distribution piping installed and maintained by public or municipal utilities.

H. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

(e) Plumbing:

A. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work is to be considered as new work and an approval is to be obtained and inspection made as provided in the Ohio Building Code.

B. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve the replacement of more than one fixture or rearrangement of valves, pipes or fixtures.

C. Process equipment, including the associated tanks, foundations, and process piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve that separates the process from the building services piping is exempt from approval.

SECTION 24. That a new Toledo Municipal Code, Part Thirteen, §1305.09 is enacted to state as follows:

§1305.09 Permit to remove or demolish.

(a) No permit to remove a building or structure, including partial demolitions, shall be granted until:

(1) notice of application has been given to the owners of lots adjoining the lot from which such building or structure is to be removed;

(2) notice of application has been given to the owners of wires or other impediments, the temporary removal of which will be necessary;

(3) a certificate from the Department of Health is obtained stating that the building or structure either has no rats, pigeons or vermin or that they have been exterminated by a commercial exterminator; and

(4) a certificate of liability insurance is filed with the Chief Building Official when the demolition, including partial demolition, is being performed by contract with the City, or by contract with the property owner.

(b) The certificate of insurance required herein shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Liability insurance shall not be required if:

(1) Demolition, including partial demolition, is being done by the owner as the prime contractor provided, however, such owner must hold title to the land and buildings thereon.

(2) Demolition, including partial demolition, is being done by a governmental agency of the State.

(c) Partial demolition permits may be issued to authorize the removal or demolition of interior components, partitions, fixtures or systems; provided the structural integrity and exterior walls remain unaffected. Application for such permit must be submitted prior to the submission of any plans for full renovation and/or change of use. Any work that impacts structural integrity, the building envelope, fire-rated assemblies, or life safety systems requires separate review and approval.

(d) In addition to the permitting requirements at subsection (a), to obtain a permit for partial demolition applicant must:

(1) Provide an interior floor plan indicating the limits of demolition;

(2) Provide a written statement, signed by applicant, that the demolition is limited to interior elements; the structure is otherwise code-compliant and/or actively permitted for occupancy; and that such demolition will not affect structural components, fire-rated assemblies or life safety systems, unless separately permitted.

(e) Permits for demolition are subject to the following conditions:

(1) The Chief Building Official reserves the right to require additional documentation or inspections of the premises at any time prior to or during the demolition;

(2) The discovery of any structural, hazardous, or concealed conditions must be reported immediately to the division of Building Inspection and all demolition work must cease immediately until further inspection has occurred; and

(3) The issuance of permit for partial demolition does not constitute approval for reconstruction, change of use, or occupancy unless permission for the same has been separately granted.

(f) No permit to remove a building or structure, including partial demolitions, located within the boundary of a designated historic district shall be issued, or if issued, shall be valid, unless accompanied by the prior written approval of the appropriate historic district commission as evidenced by a Certificate of Appropriateness as countersigned by the chairperson thereof, or if appealed, by the chairman of the Toledo Plan Commission.

(g) Fees for all demolition permits, including partial demolition, shall be established by the Director of Building and Code Compliance and published in the City's fee schedule.

SECTION 26. That a new Toledo Municipal Code, Part Thirteen, §1309.04 is enacted to state as follows:

§1309.04 *Certificate of occupancy contents.*

In addition to the certification as to compliance with the provisions of this Building Code, the certificate of occupancy shall comply with Ohio Building Code Section 111 or Residential Code of Ohio Section 111, as applicable.

SECTION 28. That a new Toledo Municipal Code, Part Thirteen, §1309.08 is enacted to state as follows:

§1309.08 *Change of occupancy.*

(a) A change of occupancy of an existing structure is not permitted, except as specified in Chapter 10 of the Ohio Existing Building Code, current edition as adopted by the Ohio Board of Building Standards. A building or structure hereafter changed, in whole or in part, from one occupancy to another is not to be occupied for the new occupancy until the new certificate of occupancy has been issued by the Building Official reflecting the change to any such portions. Existing occupancy of spaces within the building or structure that are unaffected by the change of occupancy, and/or any related alterations, may be permitted to continue if the Building Official determines the existing spaces can be occupied safely until the completion of the alterations.

(b) In the event of a change of occupancy from an existing automobile service station or automobile filling station to another permitted use in conformance with the provisions of Part Eleven - Planning and Zoning Code, all underground tanks shall be removed prior to the change of occupancy; unless it is determined by the Commissioner of Building Inspection that the new occupancy has a proper use for such underground tanks. In that event, they may remain and be used as long as the occupancy and/or use of the premises is not changed further.

SECTION 29. That the Toledo Municipal Code, Part Thirteen, §1309.09 which states as follows:

§1309.09 *Fire Prevention Bureau approval.*

is repealed.

SECTION 31. That a new Toledo Municipal Code, Part Thirteen, §1313.04 is enacted to state as follows:

§1313.04 *License fees; term.*

(a) Fees. The initial test application fee for both the Certified Remodeler's License and the Limited Remodeler's License shall be two hundred dollars (\$200.00), described further in Section 1313.06 (b). The annual renewal fee for both categories of licenses shall be one hundred forty dollars (\$140.00).

(b) Duplicate - Replacement License. The fee for issuing a duplicate license which replaces one lost, destroyed or mutilated shall be fifty dollars (\$50.00) and shall bear the word "duplicate" stamped on it.

(c) Renewal of licenses.

(1) Expiration. Licenses issued in accordance with this chapter shall expire at 12:00 p.m., local time, on December 31, but may be renewed for the next succeeding year period by the

payment of the annual renewal fee on or before close of business, January 31, of the succeeding year.

(2) Late renewal or renewal after expiration. A person holding a valid license under the provisions of this chapter in any year who fails to renew such license before the annual renewal fee is due, as provided in subsections (a) and (c) hereof, in addition to the annual renewal fee, shall be subject to a \$50.00 penalty.

(3) If a license holder fails to renew his license by December 31st in the year in which the license renewal was due, the contractor shall be considered as a new applicant and before receiving a new license, shall be required to meet all the requirements of a new applicant, including passing the examinations identified in TMC Section 1313.07 and paying the original registration fee in TMC Section 1313.04 (a) (b).

(d) Continuing Education. All home improvement and remodeling contractors licensed with the City of Toledo shall be required to complete ten (10) hours of continuing education yearly, as established by the Board of Control. If the licensee fails to submit proof of the required continuing education for the annual license renewal, the license shall not be renewed and the licensee must reapply as a new applicant subject to the requirements of Chapter 1313.

SECTION 33. That a new Toledo Municipal Code, Part Thirteen, §1313.06 is enacted to state as follows:

§1313.06 Application.

(a) An application for a license, or renewal thereof, shall be made to the Commissioner of Building Inspection on a form prescribed by him. Each applicant for a license shall furnish a sworn statement setting forth his present business and resident addresses and also stating the name of the person, firm, partnership, association or corporation, and the location of the place or places for which such license is desired, and it shall also set forth the period of time, if any, during which the applicant has been engaged in the business. Such application shall be executed by such person, or by any officer or member thereof. The Commissioner of Building Inspection is hereby authorized to require and procure any and all satisfactory proof which he deems necessary with reference to the honesty, truthfulness and reputation of any applicant for a license under this chapter, or of any of the officers or members of any such applicant prior to the issuance of any such license.

(b) The fee for the examination for a license to engage in the business of home improvement and remodeling shall be two hundred dollars (\$200.00), which amount shall accompany the application therefor.

(c) Each application for a license or renewal thereof shall be accompanied with a contractor's agreement, filed with the Commissioner of Building Inspection, acknowledging their knowledge of the requirements of Part Eleven, Sections 1103.0300, 1111.1000, and 1111.1100 of the Toledo Municipal Code requiring the approval of a historic district commission for any environmental changes to property within the historic district, and agreeing to comply with its provisions.

(d) Applicant shall provide a certificate of liability insurance that shall provide for bodily injury in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and property damage in the sum of one hundred thousand dollars (\$100,000). Applicant shall be responsible for ensuring that all subcontractors utilized have liability insurance in amounts satisfactory to the Applicant.

SECTION 35. That a new Toledo Municipal Code, Part Thirteen, §1361.03 is enacted to state as follows:

§1361.03 Maintenance and removal.

(a) All construction for which a permit is hereafter granted pursuant to the regulations of this chapter, by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official for projections beyond the property line, or by the Director of Public Service permitting the occupancy or use of public property or public thoroughfares, and any special use granted by Council and all other existing projections or encroachments shall be maintained in a safe condition. Such permit shall be revoked whenever public necessity or public safety so requires when ordered by the Chief Building Official, the Director of Public Service or by resolution of Council or by authorities of the State of Ohio; and such construction shall thereupon be removed at the expense of the abutting property owner and the City shall, by appropriate document or documents executed by such abutting property owner, be indemnified from any and all claims or damages resulting directly or indirectly from such encroachment or the removal thereof.

(b) No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

SECTION 37. That a new Toledo Municipal Code, Part Thirteen, §1361.10 is enacted to state as follows:

§1361.10 Temporary occupancy of public right of way.

(a) General Regulations. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public right of way without first obtaining a permit from the Commissioner of the Division of Transportation to do so; nor shall any person move any building or structure onto, across or over any public right of way without first obtaining a permit from the Commissioner of the Division of Transportation.

(b) Occupancy of Public Right of Way. Permits for the temporary occupancy of a public right of way and the duration of such permits shall be contingent upon the compliance with the rules and regulations established by the Commissioner of the Division of Transportation.

(1) Such occupancy shall be limited to that part of the public right of way abutting the premises on which construction work is in progress.

(2) Such occupancy, including the temporary sidewalk if one is required, shall not extend into the roadway of a public right of way more than one-third the width of the roadway and in no

case more than twenty feet, and provided further that no such occupancy shall be within six feet of the rail of any railroad track.

(3) Such materials, equipment, temporary buildings or structures shall not be placed, stored or erected within two feet of any standpipe, fire or police alarm box, utility box, catch basin or manhole, nor within fifteen feet of a fire hydrant (measured along the curb line), and shall not obstruct the access to any fire hydrant, fire cistern, standpipe, fire or police alarm box, utility box, catch basin or manhole. Portable equipment may temporarily be secured to trees to prevent theft or damage.

(4) Such materials, equipment, temporary buildings or structures shall not be located within twenty feet of a street intersection, nor so placed, stored or erected as to obstruct normal observation of traffic or traffic control lights, signals or signs, fire hydrants, fire and police alarm boxes or to hinder the use of street car, bus or trolley loading platforms or zones.

(5) The drainage in street gutters shall be maintained at all times.

(6) Persons securing a permit shall be responsible for placing and maintaining lights during darkness and at night in full view of the public at each excavation, pile of material, equipment, fence, temporary walk, shed, enclosure or other obstruction on any public right of way.

(7) Pedestrian traffic shall be maintained at all times, either on the existing sidewalk or on a temporary walkway in the roadway or as otherwise determined by the Commissioner of the Division of Transportation. A fence, railing or other approved guard, if required by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, not less than three feet six inches high shall be erected on both sides of the temporary walkway and a fence at least four feet high shall be erected on the building side of the existing sidewalk if an excavation is within ten feet of a public right of way.

(8) Approved canopies shall be erected over street walks, when so determined by the Director of Building and Code Compliance, the Commissioner of Building Inspection or the Chief Building Official, to safeguard the public from any danger from falling material where buildings or structures are being erected, constructed, enlarged, altered, repaired, renovated, painted, cleaned, moved, removed or demolished when such buildings or structures are within ten feet of a public sidewalk.

(9) The permit to occupy a public right of way during construction work is intended only for use in connection with the actual erection, construction, enlargement, alteration, repair, renovation, moving, removal or demolition of buildings or structures and does not permit any sign or advertising device of any kind, except signs as regulated in Part Eleven-Planning and Zoning Code and Part Thirteen-Building Code.

(10) Unless permitted by the Commissioner of the Division of Transportation, earth or rubbish shall not be stored on any public right of way.

(11) The Commissioner of the Division of Transportation may issue permits for the erection of temporary guy lines beyond the area permitted in a street permit provided such guy lines are at least twenty feet above the street.

SECTION 38. That a new section of Toledo Municipal Code, Part Thirteen, is enacted at §1367.04 and states as follows:

§1367.04 *Heat Supply.*

Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 31 to April 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. The following are exceptions to this requirement:

(a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

(b) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.