

1464.01 TITLE.

This chapter shall be known as the Exterior Property Maintenance Code of the City.

1464.02 PURPOSES.

The purposes of this Exterior Property Maintenance Code are to protect the public health, safety, morals and welfare by establishing minimum standards *to make all parcels and dwelling structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards* governing the maintenance and condition of residential and nonresidential premises *so as not to constitute a blighting or deteriorating influence on the neighborhood community; to authorize the condemnation of structures which are unsafe or unfit for human habitation*; to fix certain responsibilities and duties upon the owners and operators; and to fix penalties for a violation of this Code.

1464.03 DEFINITIONS.

As used in this chapter:

(a) "Accessory structure" means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

(b) ***“Abate” or “abatement” means the removal or correction of any conditions that constitute a nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building, structure, or property that is consistent with maintaining safe and habitable conditions over its remaining useful life. “Abatement” does not include the closing or boarding up of any building or structure that is found to be a public nuisance.***

(c) ~~(b)~~ "Building" means a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

(d) ~~(c)~~ "Building Code" means the Building and Housing Code of the City, codified as Part Fourteen of these Codified Ordinances.

(e) ~~(d)~~ "Deterioration" means the condition or appearance characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

(f) ~~(e)~~ "Dwelling" means any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.

Ordinance No. 17-07

Exhibit A

(g) (f) "Dwelling unit" means any room or group of rooms located within a dwelling forming a single habitable unit which includes facilities for living, sleeping, cooking, eating, bathing and toilet purposes.

(h) (g) "Exposed to public view" means any premises, or part thereof, or any building or part thereof, which may be lawfully viewed by the public or any member thereof from a sidewalk, street, alleyway, licensed open air parking lot or adjoining or neighboring premises.

(i) (h) "Exterior of the premises" means those portions of a building which are exposed to the elements and the open space of any premises outside of any building erected thereon.

(k) (i) "Fire Chief" means the Chief of the Fire Department of the City.

(l) (j) "Fire hazard" means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fires; or which may obstruct, delay or hinder, or may become the cause of an obstruction, delay, hazard or hindrance to, the prevention, suppression or extinguishing of fires.

(l) (k) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(m) (l) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises, which presence constitutes a health hazard.

(n) (m) "Mixed occupancy" means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses.

(o) (n) "Nuisance" means:

(1) Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State or the ordinances of the City;

(2) Physical conditions ***of a property or structure by reason of deterioration of materials, lack of repair or maintenance which is*** dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist; ***is otherwise no longer fit and habitable; or is a blighting or deteriorating factor on the neighborhood.***

(3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter; or

(4) Fire hazards.

(p) (o) "Operator" means any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

(q) (p) "Owner" means any person who, alone or jointly or severally with others, has legal or equitable title to any premises with or without accompanying actual possession thereof; or who

has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as fiduciary, including, but not limited to, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by the lessee.

(r) ~~(q)~~ "Premises" means a lot, plot or parcel of land, including the buildings or structures thereon.

(s) ~~(r)~~ "Property Maintenance Officer" means the Building Commissioner of the City and such other officials as he or she may designate to act in his or her behalf.

(t) ~~(s)~~ "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

(u) ~~(t)~~ "Registered mail" means registered or certified mail.

(v) ~~(u)~~ "Rooming unit" means any room or group of rooms forming a single habitable unit, other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.

(x) ~~(v)~~ "Rubbish" means nonputrescible solid wastes consisting of both combustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass and crockery, and similar materials.

(y) ~~(w)~~ "Structure" means a combination of any materials, whether fixed or portable, forming a construction. "Structure" includes radio and television antennas, satellite dishes and receiving stations.

(x) "Weathering" means deterioration, decay or damage caused by exposure to the elements.

1464.04 APPLICATION OF CHAPTER.

Every residential and nonresidential building and the premises on which it is situated in the City, used or intended to be used for dwelling, commercial or business occupancy, shall comply with this chapter, whether or not such building has been constructed, altered or repaired before or after the enactment of this chapter (Ordinance 1970-167, passed October 7, 1970), and irrespective of any permits or licenses which have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter (Ordinance 1970-167, passed October 7, 1970). This chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the

construction, repair, alteration or use of the building, except as provided in Section 1464.13. Where there is mixed occupancy, the residential or nonresidential use therein shall be nevertheless regulated subject to this chapter.

1464.05 ISSUANCE OF PERMITS AND LICENSES.

After the date of enactment of this chapter (Ordinance 1970-167, passed October 7, 1970), all licenses and permits shall be issued conditionally upon compliance with this chapter as well as compliance with the ordinances under which such licenses and permits are granted.

1464.06 EFFECT OF LICENSE, PERMIT OR CERTIFICATION.

No license, permit or other certification of compliance with this chapter shall constitute a defense against any violation of any provision of this chapter or any other ordinance of the City applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with such provision, or any official of the City from enforcing such provision.

1464.07 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

Owners and operators shall have all the duties and responsibilities prescribed in this chapter, and no owner or operator shall be relieved from any such duty or responsibility or be entitled to defend against any charge of violation of this chapter by reason of the fact that the occupant is also responsible therefor and in violation thereof.

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by any agreement or contract by and between any of them or between them and other parties.

The provisions of this chapter shall apply equally to any occupant, owner, agent, superintendent, officer, member, partner, trustee or receiver who, alone or with others, has a legal or equitable ownership in the premises, or has possession, charge, care or control of the premises.

1464.08 DUTIES OF OWNERS, OPERATORS AND OCCUPANTS.

The exterior of the premises, all structures, parcels and lots thereon shall be kept free of unsanitary conditions, nuisances and hazards to the safety of occupants, pedestrians and other persons utilizing the premises. Any such unsanitary condition, nuisance or hazard posing imminent danger to the health, safety and welfare of any person shall be immediately removed and abated by the owner, operator and occupant, and all other unsanitary conditions, nuisances or hazards shall be removed and abated by the owner, operator or occupant within seven days of receipt of notice by the Building Commissioner or

Ordinance No. 17-07
Exhibit A

other enforcement officer. The owner, operator and occupant shall keep premises free of hazards and in compliance with the following provisions:

(a) Refuse. Exterior property areas of all premises and lots shall be kept free of any debris, object, material or condition which may create a health, accident or fire hazard, which is a public nuisance or which constitutes a blighting or deteriorating influence on the neighborhood. Brush, broken glass, stumps, roots, filth, garbage, trash, motor vehicles, boats or trailers in a condition of disrepair or deterioration or parts thereof and debris shall not be permitted on any property.

(b) Natural Growth. Lawns, landscaping and trees shall be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof shall not be permitted on any property. Trees shall be pruned and trimmed to prevent such conditions.

(c) Overhanging. Loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons or property in the vicinity thereof shall not be permitted.

(d) Ground Surface Hazards. Holes, excavations, breaks, projections and obstructions at any place on the premises which are a hazard to persons using the premises shall not be permitted.

(e) Recurring Accumulations of Storm Water. Natural drainage or adequate run-off drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of storm water.

(f) Maintenance of Foundations.

(1) All foundations of every dwelling structure shall be maintained structurally sound and in good repair.

(2) All foundations of every dwelling structure shall be maintained in such condition as to prevent the seepage or leaking of water within the space enclosed within such foundations.

(3) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

(g) Chimneys; Flue and Vent Attachments. Chimneys and flue and vent attachments thereto shall be maintained structurally sound, free from defects and so as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable and smoke tight and shall be capable of withstanding the action of flue gases.

(h) Exterior Porches, Landings Balconies, Stairs and Fire Escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of persons falling therefrom, and the same shall be kept structurally sound, in good repair and free from defects.

Ordinance No. 17-07
Exhibit A

(i) Condition of Exterior of Premises and Structures. The exterior of all structures and premises shall be maintained so that the appearance of the premises and all buildings thereon reflect a level of maintenance in keeping with the area and so that the condition of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the area. All replacements and repairs must match and conform to the original design if not replaced completely. All radio and television antennas, satellite dishes and receiving stations with supporting structures shall require the planting and maintenance of evergreens for screening purposes.

(j) Landscaping. All premises and vacant land shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly.

(k) Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair, and printed matter, pictures or illustrations contained thereon shall be completely maintained or when no longer in use completely removed.

(l) Reconstruction of Walls and Sidings. All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties in the area. The materials used will not be of a kind that, by their appearance under prevailing appraisal practices and standards, will depreciate the values of neighboring and adjoining premises.

(m) General Maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

(n) Store Fronts. All store fronts shall be kept in good repair, shall be painted where required and shall not constitute a safety hazard or nuisance. If repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(o) Structural Soundness. Every building and accessory structure, and every part thereof, shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:

(1) Exterior walls, sidings and roofs. Exterior walls, sidings and roofs shall be kept maintained structurally sound, in good repair and free from defects.

Ordinance No. 17-07
Exhibit A

(2) Painting and other protective coating. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.

(3) Weather and watertightness. Every dwelling shall be so maintained as to be weather and watertight.

(4) Repairs. Exterior walls, roofs, windows, window frames, doors, door frames, foundations and other parts of the structure shall be so maintained as to keep water from entering the structure. Damaged materials shall be repaired or replaced promptly. Places showing signs of rot, leakage, deterioration or corrosion shall be restored and protected against weathering or seepage.

(p) Freedom from Infestation. All parts of the premises shall be maintained so as to prevent infestation.

(q) Refuse Receptacles. All premises shall have approved receptacles or other conveniences for the disposal of rubbish, garbage, refuse or other waste matter, as required by the Building Division. The owner or operator, or his or her agent, shall provide suitable screening to cause receptacles for the disposal of rubbish, garbage, refuse or other waste matter to be invisible from ground level to those residents living in residential areas or from a street right of way abutting commercial property from that property, and such screening shall require review and approval by the Planning Commission.

Existing premises which presently have refuse receptacles which do not have suitable screening are required to be screened by the owner or operator, or his or her agent. Planning Commission review and approval shall be required.

(r) Mailbox Supports. All mailbox supports in the City shall comply with the following guidelines and criteria established by the American Association of State Highway and Transportation Officials:

(1) Timber post with maximum of four inch by four inch measurement or four and one-half inch diameter.

(2) Standard wall pipe with maximum two and one-half inch diameter.

(3) Any material with equal break-away characteristics of paragraphs (r)(1) and (2) hereof not exceeding the maximum diameters or measurements established in paragraphs (r)(1) and (2) hereof.

Mailbox supports shall be maintained in good repair and free from defects.

Mailbox supports in City rights-of-way which do not comply with the guidelines and criteria established herein are public nuisances representing physical conditions dangerous to human life and detrimental to the health, safety and welfare of persons.

Ordinance No. 17-07
Exhibit A

(s) Residential Composting of Yard Waste. Composting of yard waste shall be permitted on residential property. Any area of yard waste composting shall be located in the rear yard at least ten feet from the rear and side yard lot lines, at least ten feet from any accessory building or unattached garage and at least twenty feet from any residential dwelling or attached garage. Composting material must be adequately contained and composting areas must be screened at ground level with fencing, hedges or shrubbery. Fencing must be in compliance with the Zoning Code of the City.

(t) Sale of used motor vehicles and boats. Any resident of the Municipality shall, at any given time, be permitted to display for sale, in the open, one used motor vehicle or boat, which is titled and registered to them, on property of which he or she is the owner, upon satisfaction of the following conditions:

(1) If requested, the owner of the property must provide proof of ownership of said motor vehicle or boat to the North Royalton Building Commissioner or his designate anytime during the period it is on display for sale.

(2) Said motor vehicle must display current license plates duly registered to that motor vehicle while on sale and/or display.

(3) Said motor vehicle or boat may not be set on display for sale within the City right-of-way.

(4) For purposes of this chapter, "motor vehicle" shall have the same meaning/definition as that contained in Ohio R.C. 4501.01(B), with the exception of those motor vehicles specifically excluded in Chapter 1282, Section 1282.08(a) of the North Royalton Planning & Zoning Code.

(u) Rain Barrels and Rain Gardens.

(1) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roof drains, gutters and downspouts shall be connected to a public storm sewer, or in the event a public storm sewer is not available, shall be discharged in a manner approved by the Building Commissioner and the City Engineer, or his or her duly authorized representative. However, one or more downspout(s) may be diverted into an approved rain barrel or other structural storage container, provided that the overflow from such appurtenances is directed into the public storm sewer system. Rain barrels or other structural storage containers shall be covered at all times and incorporate a drainage system that directs any overflow away from the building's foundation and into the public storm sewer system. The installation of rain barrels or other structural storage containers shall be subject to review and approval of the City Engineer, or his or her duly authorized representative, and shall conform to the standards set forth by the City for such devices. Visual screening of rain barrels or other structural storage containers may be required, on a case

by case basis, so as to prevent unsightly visual impacts to the surrounding area. This will be determined by the City Engineer or Building Commissioner, or his or her duly authorized representative, at the time of permit application and subject to any standards set forth by the city.

(2) As an alternative requirement of division (a) of this section stating that downspouts be connected to the public sewer system, one or more downspout(s) may be directed into an approved rain garden. Such rain garden shall be subject to the review and approval of the City Engineer, or his or her duly authorized representative, and shall be constructed in accordance with the latest edition of the Rain Garden Manual for Homeowners. No rain garden shall be constructed until a permit has been obtained.

(3) This requirement shall be waived for existing appurtenant structures if, in the opinion of the City Engineer, or his or her duly authorized representative, the drainage does not cause excessive erosion or water damage or does not create a nuisance on public or private property.

1464.09 MAINTENANCE OF PREMISES DURING CONSTRUCTION, RECONSTRUCTION AND REPAIR.

During the period of time that any construction, reconstruction or repair work is being done on any premises within the City, the owner, the employing contractor and all persons performing the work shall be responsible for the following:

- (a) All safety practices and facilities required by law shall be provided and maintained.
- (b) Any excavation that exists on the premises at the close of any working day shall be properly barricaded and lighted.
- (c) Proper and adequate toilet facilities shall be provided for the workers.
- (d) The sidewalk and tree lawn area shall be kept open, in repair and free from holes, depressions, areas of mud and water, building materials and debris and other nuisances.
- (e) The engines to all equipment shall be turned off and cooled prior to and during any refueling operation.

~~1464.10 INSPECTION OF COMMERCIAL AND MULTIFAMILY PREMISES.~~

~~Each commercial and multifamily building and every property zoned for multifamily or commercial use shall be inspected at least once each year by the Building Commissioner. The owner, occupant and agent shall be served with a notice of any violation of this chapter.~~

1464.101 DECLARATION OF PUBLIC NUISANCE, ORDER AND AUTHORITY TO ABATE.

(a) *If the Building Commissioner finds that a nuisance condition exists as defined in the City's Codified Ordinances, or otherwise by ordinance passed by Council, on any property, the Building Commissioner may issue a notice declaring the existence of such nuisance, and may order the abatement of the nuisance or proceed to abate the nuisance.*

(b) *In addition to the authority granted in subsection (a) of this Section, if the Building Commissioner finds that a property or a structure, by reason of deterioration of materials, lack of repair or maintenance, is a hazard to the health, safety or welfare of its occupants or the public or is a blighting or deteriorating factor in the neighborhood, or impairs or adversely affects the value of neighboring property, the Building Commissioner may declare such property or structure to be a nuisance, issue a notice declaring the existence of such nuisance, and order the abatement of the nuisance or proceed to abate the nuisance.*

(c) *An occupied dwelling structure, which is determined by the Building Commissioner to be in violation of Section 1464.08, is hereby declared to be a public nuisance.*

(d) *The existence of roots of trees that obstruct sewers shall be considered a nuisance, and if such condition is found, the Building Commissioner may abate the nuisance immediately and without service of notice or estimate of the cost of the abatement.*

1464.105 ABATEMENT OF NUISANCE; COLLECTION OF COSTS; ASSESSMENT

(a) *If the nuisance is not abated within the required time, as determined by the Building Commissioner, the Building Commissioner may abate the nuisance. The abatement of a nuisance may be conducted utilizing labor and materials provided by the Service Department, other departments of the City, or by entering into a contract for abatement services in accordance with the ordinances and Charter of the City.*

(b) *If the Building Commissioner determines to take action to abate a nuisances the Building Commissioner shall, prior to the abatement, furnish to the owner of the real estate whereon the nuisance exists a statement of the estimated cost of abatement; following the abatement he shall provide to the owner a statement of the final cost as soon as the cost can be ascertained, and shall order the owner to pay the cost within such reasonable time as the Building Commissioner shall fix.*

(c) *Regardless of the estimated cost of abating a public nuisance as determined herein, the owner shall be responsible for payment to the City of the actual costs incurred by the City in 1) preparing to abate the nuisance if the City does not proceed with the abatement or 2) in preparing to abate and abating the nuisance, and 3) the City's actual administrative costs, applied as a percentage*

of the total cost incurred by the City, as approved annually by the Director of Finance. Should the actual costs incurred in abating such nuisance be less than the estimate, and the owner has deposited with the City an amount equal to such estimated amount, the City shall refund to the owner the amount of the difference.

(d) The City may take such action as it deems necessary to collect the costs incurred by the City in preparing to abate and/or in abating the nuisance and administrative costs incurred, including the assessment of such costs on the real estate whereon the nuisance existed or the cause or source thereof was located.

1464.11 NOTICE OF VIOLATION.

(a) Where a violation of this chapter is found to exist, the Building Commissioner shall cause a written notice of the violation to be served upon the person or persons responsible for the correction thereof. The notice shall specify the violation committed and shall provide a reasonable period of time, not more than thirty days, to correct or abate the violation.

(b) Notice may be served personally or by prepaid telegram or certified mail addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained the notice shall be posted on the outside front entrance of the building.

(c) A written notice of a nuisance or order to abate shall be served on the owner, agent, lessee, or party in control of the property. The notice or order shall set forth the nature of the nuisance, a reasonable time determined by the Building Commissioner within which the person shall abate the nuisance, and the statement that unless the nuisance is abated within the stated time the City may prosecute the owner, agent, lessee or party in control for failure to comply with the order of the Building Commissioner, or may seek an order of a court requiring the abatement of the nuisance by such person.

(d) In addition to or in lieu of the procedure in subsection (c) of this Section, the Building Commissioner may cause a written notice and order to be served on the owner or the agent of the owner of the property setting forth the nature of the nuisance, the estimate of the cost of abating the same if done by the City, directly or indirectly, a reasonable time determined by the Building Commissioner within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of abatement assessed upon the real estate involved.

(e) A notice or order shall be served by delivering it personally, leaving it at the person's usual place of business or residence, by posting it in a conspicuous place on the real estate involved, or by mailing it to the person, or notice may be published in a newspaper of general circulation within the City if it cannot be served in any of the other ways above mentioned.

1464.12 APPEALS.

Within ten days of the date of service of the notice described in Section 1464.11, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Clerk of the Board. The Chairperson of the Board, upon receipt of the request, shall, within thirty days therefrom and upon five days notice to the party and the Building Commissioner, set the matter down for hearing. The Board may modify the action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determination.

1464.13 CONFLICT OF LAWS.

~~In any case where the provisions of this chapter impose a higher standard than is set forth in any other ordinance of the City or under the laws of the State, the standard set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than that imposed by any other ordinance of the City or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.~~

The authority to abate nuisances granted herein and the procedure set forth shall be in addition to and shall not limit the authority to abate nuisances granted in other ordinances, laws, or Constitution of the State of Ohio.

1464.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.