

CHAPTER 1353
Exterior Property Maintenance Code.

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CROSS REFERENCES

- Power to regulate building construction - see Ohio R.C. 715.26
Municipal power to abate nuisances - see Ohio R.C. 715.44
Dangerous structures - see BLDG. Ch. 1333
Landscaping and lawn services - see BLDG. Ch. 1347

1353.01 TITLE AND PURPOSE.

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

(b) The purpose of this chapter is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance and condition of residential and nonresidential premises; to fix certain responsibilities and duties upon the owners and operators; and to fix penalties for the violation of this chapter.

(Ord. 1980-56. Passed 11-25-80.)

1353.02 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) "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.
- (c) "Building Code" means the Building Code of the City (Part Thirteen of these Codified Ordinances).
- (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.

- (e) "Dwelling" means any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (f) "Dwelling unit" means a 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.
- (g) "Exposed to public view" means any premises, building or part thereof which may be lawfully viewed by the public or any person from a sidewalk, street, alleyway, licensed open air parking lot or adjoining or neighboring premises.
- (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.
- (i) "Fire Chief" means the Chief of the Fire Division of the City.
- (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 fire, or which may obstruct, delay or hinder, or may become the cause of an obstruction, delay, hazard or hindrance to, the prevention, suppression or extinguishment of fire.
- (k) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (l) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (m) "Mixed occupancy" means a building containing one or more dwelling units or rooming units and also having a portion devoted to nondwelling uses.
- (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 dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist;
 - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter; or
 - (4) Fire hazards.
- (o) "Operator" means a person who has charge, care or control of a dwelling, premises or a part thereof, whether with or without the knowledge and consent of the owner.
- (p) "Owner" means a person who, alone, jointly or severally with others, has legal or equitable title to a premises with or without accompanying actual possession thereof or who has charge, care or control of any dwelling or dwelling unit, as the owner or as an agent of the owner, or as a fiduciary, including, but not limited to, an executor, administrator, trustee, receiver or guardian of an estate or as a mortgagee in possession, regardless of how such possession was obtained. A person who is a lessee subletting or reassigning any part or all of a 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 by or assigned to the lessee.
- (q) "Premises" means a lot, plot or parcel of land, including the buildings or structures thereon.
- (r) "Property maintenance officer" means the Director of Public Service of the City and such other officials as he or she may designate to act in his or her behalf.

- (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.
 - (t) "Registered mail" means registered or certified mail.
 - (u) "Rooming unit" means a 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.
 - (v) "Rubbish" means nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery and similar materials.
 - (w) "Structure" means the combination of materials, whether fixed or portable, forming a construction.
 - (x) "Weathering" means deterioration, decay or damage caused by exposure to the elements.
- (Ord. 1980-56. Passed 11-25-80.)

1353.03 SCOPE; INTERPRETATION.

Every residential, public, business and industrial 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 be in compliance with this chapter, whether or not such building has been constructed, altered or repaired before or after the enactment of this chapter (Ordinance 1980-56, passed November 25, 1980) and irrespective of any permit or license which has been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to its effective date. 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 a building, except as provided in Section 1353.04. Mixed occupancy and residential and nonresidential use therein shall nevertheless be regulated by this chapter.

(Ord. 1983-31. Passed 3-22-83.)

1353.04 CONFLICT OF LAWS.

In any case where this chapter imposes a higher standard than that set forth in any other ordinance of the City or law of the State, then the standard set forth herein shall prevail. If, however, this chapter imposes a lower standard than that imposed by another ordinance of the City or law of the State, then the higher standard contained in any such other ordinance or law shall prevail.

(Ord. 1980-56. Passed 11-25-80.)

1353.05 ISSUANCE OF OTHER PERMITS AND LICENSES.

After the date of enactment of this chapter (Ordinance 1980-56, passed November 25, 1980), 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.

(Ord. 1980-56. Passed 11-25-80.)

1353.06 COMPLIANCE AND ENFORCEMENT.

No license, permit or other certification of compliance with this chapter shall constitute a defense against any violation of a 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 of the requirement to comply with such provisions, nor any official of the City from enforcing any of such provisions.
(Ord. 1980-56. Passed 11-25-80.)

1353.07 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS INDEPENDENT OF EACH OTHER.

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

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator on the one hand and the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and other parties.
(Ord. 1980-56. Passed 11-25-80.)

1353.08 DUTIES AND RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

The exterior of all premises and all structures thereon shall be kept free of all nuisances and hazards to the safety of the occupants thereof, pedestrians and other persons utilizing the premises and shall be kept free of unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner, operator and occupant within a reasonable time. The owner, operator and occupant shall keep the premises free of hazards and in compliance with the following:

- (a) **Refuse.** Exterior property areas of all premises shall be kept free of any debris, object, material or condition which may create a health, accident or fire hazard or which is a public nuisance or which constitutes a blighting or deteriorating influence on the neighborhood. Brush, broken glass, stumps, roots, filth, garbage, trash, debris and motor vehicles, boats or trailers in a condition of disrepair or deterioration of parts thereof, 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 or limbs and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof, are not permitted on any property. Trees shall be pruned and trimmed to prevent such conditions.
- (c) **Overhangings.** Loose and overhanging objects which, by reason of their location above ground level, constitute a danger because they may fall on persons or property in the vicinity thereof, are not 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, are not permitted.

- (e) Recurring Accumulations of Storm Water. Natural drainage or adequate run-off drains shall be provided and maintained to eliminate recurrent or excessive accumulations of storm water.
- (f) Maintenance of Foundations.
- (1) Foundations of every dwelling structure shall be maintained structurally sound and in good repair.
 - (2) 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) Openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.
- (g) Chimneys and Flue and Vent Attachments. Chimneys and all 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 and shall be structurally safe, durable, smoketight and 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 bannisters 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.
- (i) Condition of Exterior of Premises and Structures. The exterior of all structures and the premises shall be maintained so that the appearance of the premises and all buildings thereon reflects a level of maintenance in keeping with the area, so that the condition of the premises and the structures does not constitute a blighting factor for the adjoining property owners, nor an element leading to the progressive deterioration and downgrading of the area. All replacements and repairs shall match and conform to the original design if not replaced completely.
- (j) Landscaping. All premises and vacant land shall be kept landscaped. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to overgrow and become unsightly.
- (k) Signs. Signs permitted by other regulations or as a lawful nonconforming use shall be maintained in good repair. Printed matter, pictures or illustrations contained on such signs shall be completely maintained or, when no longer in use, completely removed.
- (l) Reconstruction of Walls and Siding. Reconstruction of walls and siding shall be of standard quality and appearance commensurate with the character of the property in the area, and the material used shall not be of a kind that by its appearance, under prevailing appraisal practices and standards, it depreciates the value 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 when necessary for purposes of preservation and appearance.

Such exteriors shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or any other condition 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. Store fronts shall be kept in good repair, 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 and General Maintenance. Every building, accessory structure and 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, siding and roofs. Exterior walls, siding and roofs shall be maintained structurally sound, in good repair and free from defects.
 - (2) Painting and other protective coating. Exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.
 - (3) Weathertightness and watertightness. Every dwelling shall be so maintained as to be weathertight and watertight.
 - (4) Exterior walls, roofs, etc. 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 are to 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.
(Ord. 1980-56. Passed 11-25-80.)

1353.09 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 are to be provided and maintained.
- (b) Any excavation that exists on the premises at the close of a working day is to be properly barricaded and lighted.
- (c) Proper and adequate toilet facilities are to be provided for the workers.
- (d) The sidewalk and tree lawn area are to be kept open, in repair and free from holes, depressions, areas of mud and water, building materials and debris and other nuisances.
- (e) Engines to all equipment are to be turned off and cooled prior to and during any refueling operation.
(Ord. 1980-56. Passed 11-25-80.)

1353.10 INSPECTIONS.

Each commercial and multifamily building and every property zoned for multifamily or commercial use shall be inspected at least once each year by the Director of Public Service, and the owner or occupant thereof, or the agent of either, shall be served with a notice of a violation of any of the provisions of this chapter.

(Ord. 1980-56. Passed 11-25-80.)

1353.11 APPLICATION OF CHAPTER.

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.

(Ord. 1980-56. Passed 11-25-80.)

1353.12 NOTICE OF VIOLATION.

Where a violation of any of the provisions of this chapter is found to exist, the Director of Public Service shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time, not more than thirty days, to correct or abate the violation.

(Ord. 1980-56. Passed 11-25-80.)

1353.13 SERVICE OF NOTICE.

The notice referred to in Section 1353.12 may be served personally, by prepaid telegram or certified mail addressed to the last known address of the person to be served or by leaving a copy of such notice 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.

(Ord. 1980-56. Passed 11-25-80.)

1353.14 APPEALS.

Within ten days of the date of service of the notice referred to in Sections 1353.12 and 1353.13, the person affected by such notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Clerk of the Board. The Chairman of the Board, upon receipt of the request, shall, within thirty days, and upon five days notice to the party and the Director of Public Service, 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 determinations.

(Ord. 1980-56. Passed 11-25-80.)

1353.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(Ord. 1980-56. Passed 11-25-80.)