

CHAPTER 1370
Property Maintenance Code

1370.01 Definitions.	1370.09 Foundations.
1370.02 Scope.	1370.10 Interiors.
1370.03 Conflict.	1370.11 Pests.
1370.04 Maintenance Responsibilities.	1370.12 Exterior Maintenance.
1370.05 Basic Standards for Premises.	1370.13 Exterior Areas.
1370.06 Facilities and Drainage.	1370.14 Inspection and Right.
1370.07 Prohibited Locations for Heating Equipment.	1370.15 Order and Notice of Violation.
1370.08 Rubbish and Garbage Storage and Disposal.	1370.16 Noncompliance with Notice; Standards.
	1370.17 Expenses and Costs.
	1370.18 Right of Appeal.
	1370.99 Penalty.

CROSS REFERENCES

2002 Ohio Building Code adopted - see BLDG. Ch. 1301
International Residential Code adopted - see BLDG. Ch. 1303
Impairment of Real Property Value - see
BLDG. Ch. 1333
Drainage and Grade Establishment - see BLDG. Ch. 1337
Garbage Disposal Required - see BLDG. Ch. 1345

1370.01 DEFINITIONS.

For the purpose of this Code, the following words and phrases shall have the meaning set forth in the following Sections:

(a) "Code" means this Chapter (Property Maintenance Code) as the same may be amended from time to time and the 2003 edition of the *International Property Maintenance Code* as may be amended from time to time.
(Ord. No. 96-05. Passed 7/25/05.)

(b) "Board" means the Board of Zoning and Building Appeals, acting as the Board of Building Code Appeals.

(c) "Building Official" means the Building Commissioner of the City.

(d) "Dwelling House Code" and "Building Code" and references to Sections thereof, mean respectively, the International Residential Code adopted in Chapter 1303 and the Ohio Building Code adopted in Chapter 1301.

(e) "Dwelling", "one-family dwelling", "two-family dwelling" and "dwelling unit" have the meanings assigned to them in Section R202 of the International Residential Code, and "multiple dwelling" has the meaning assigned to it by Section 202 of the 2002 Ohio Building Code.

(f) "Commercial" means any use, other than dwelling or multiple dwelling use, to which the Regional Building Code applies.

(g) Whether used with respect to a dwelling or a commercial use, "building" "structure", and "owner" have the meanings assigned to them by the International Residential Code.

(h) "Occupant" means a person having actual possession of a dwelling unit or having actual possession of, or right to possession of, a commercial premises of any part thereof.

(i) "Operator" means any person, other than the owner, who has charge, care or control of a multiple dwelling or commercial premises. Any responsibility placed by this Code on an owner or operator shall be deemed to be an individual and joint responsibility.

(j) "Person" means any individual, person or a firm, partnership, association, corporation, company or other organization or association or persons of any kind.

(k) "Driveways" shall include private roadways used in common by owners of private property who use or benefit from same.

1370.02 SCOPE.

The provisions of this Code shall be supplementary to all laws of the State of Ohio and other ordinances.
(Ord. 8-69. Passed 2-24-69.)

1370.03 CONFLICT WITH OTHER ORDINANCES.

In the event of conflict between any provisions of this Code, including any rules and regulations adopted pursuant to this Code, any provisions of the International Property Maintenance Code incorporated herein, and any provisions of City ordinances, including any rules and regulations adopted pursuant to such ordinances, that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.
(Ord. No. 97-05. Passed 7/25/05.)

1370.04 MAINTENANCE AND RESPONSIBILITIES.

Except as otherwise specifically provided in this Code, the owner of every premises within this City shall be responsible for the maintenance and operation thereof as required by this Code. It is not the intention of this Code, and this Code shall not be applied to impair the obligations of any contracts relating to the subject matter of this Code. All buildings, structures and premises, and all parts thereof, both exterior and interior, shall be maintained in the manner required by this Code. All mechanical and electrical equipment and facilities in use on a

premises shall be maintained in good and safe working order.
(Ord. 8-69. Passed 2-24-69.)

1370.05 BASIC STANDARDS FOR PREMISES.

No building, structure or premises shall exist, or be permitted to exist, in a structure defective, unsafe, insecure or unsanitary condition, or without provision for adequate safe egress, or in a condition constitutes a fire hazard or other danger to human life or which in relation to existing uses, immediate or in the vicinity, constitutes a hazard to the safety, health, property or welfare of the occupant or the public by reason of inadequate maintenance, dilapidation, abandonment, vandalism or deterioration, or in any manner contrary to applicable zoning and building ordinances of the City or constituting a public nuisance. The inclusion of Sections of this Code specifying certain maintenance standards or certain deficiencies shall not be interpreted as limiting the generality of the foregoing.
(Ord. 8-69. Passed 2-24-69.)

1370.06 FACILITIES AND DRAINAGE.

Every existing premises shall comply, or shall be brought into compliance within a reasonable time, with the applicable requirements of the 2002 Ohio Building Code and the International Residential Code as to disposal of sanitary waste, water supply, access and privacy, and grading and draining.
(Ord. No. 139-02. Passed 9/23/02.)

1370.07 PROHIBITED LOCATIONS FOR HEATING EQUIPMENT.

No heating equipment, including water heaters, which burn solid, liquid or gaseous fuel, or electricity generated heating equipment, or incinerator or other facility for burning waste material shall be used in any building unless heretofore approved for such use in accordance with other ordinances or hereafter specifically approved by the Building Official for such use.
(Ord. 8-69. Passed 2-24-69.)

1370.08 RUBBISH AND GARBAGE STORAGE AND DISPOSAL.

All rubbish and garbage not disposed of by devices described in Chapter 1345 shall be stored on the premises, pending pick-up, in a clean, safe and sanitary manner; all garbage shall be stored, pending pick-up, in leak-proof, nonabsorbent, covered garbage storage receptacles. Each occupant of a one-family or a two-family dwelling shall provide such storage facilities on the dwelling premises in a location so as not to be seen from the public right-of-way. The owner or operator of a multiple dwelling, and the owner or operator of a commercial premises in any case in which an occupant of such commercial premises is not contractually obligated to do so, shall provide and maintain suitable storage facilities to enable occupants thereof to comply with the requirements of this Section, shall maintain any common storage facilities in a clean and sanitary manner, and shall, subject to City regulations and any private hauling arrangements therefor, place out for collection on each regular pick-up day as determined by the City all common garbage and rubbish receptacles or containers.
(Ord. No. 98-05. Passed 10/10/05.)

1370.09 FOUNDATIONS.

Foundations of every building shall be maintained in a structurally sound condition and in good repair and in such condition as to prevent the accumulation of moisture within the space enclosed within such foundations. Openings into or through such foundations shall be protected against the entrance of rodents, vermin and insects.(Ord. 8-69. Passed 2-24-69.)

1370.10 INTERIORS.

Interiors of all buildings and structures shall be maintained free of unsafe conditions, including large holes, large cracks and loose or deteriorating or deteriorated material. All floors within every bathroom or water closet compartment shall be maintained water resistant.
(Ord. 8-69. Passed 2-24-69.)

1370.11 PESTS.

Premises shall be maintained free from sources of breeding, harborage and infestation by insects, vermin, rodents or other pests.

The occupant of a one-family dwelling, or of a dwelling unit in a two-family or a multiple dwelling or a unit in a multi-unit commercial building whenever such unit is the only one infested, shall be responsible for extermination of pests within the unit occupied, unless infestation is caused by failure of the owner or operator to maintain the structure in a pest-proof condition, in which event such responsibility shall be the owner's and operator's.

The owner and operator shall be responsible for extermination of pests whenever infestation exists in two (2) or more units in any building or in shared or public areas of any premises.
(Ord. 8-69. Passed 2-24-69.)

1370.12 EXTERIOR MAINTENANCE.

(a) All exterior parts of every building and structure, including without intended limitation exterior walls, window panes, parapet walls, decorative additions and chimneys, shall be maintained in a safe condition, weather-tight and so as to resist decay or deterioration from any cause. Any such part that is deteriorated, ramshackle, tumble-down, decaying, disintegrating, broken or in disrepair shall be repaired, restored or rehabilitated as follows:

- (1) Buckled, rotted, broken or decayed walls, doors, windows, glass, porches, floors, steps, railings, trim and their missing members must be replaced, or repaired and restored in a manner substantially matching and conforming surrounding design.

- (2) Wood or other similar surfaces must be painted or receive other preservative treatment as provided by the applicable provisions of the 2002 Ohio Building Code and the International Residential Code, matching existing adjacent surface covering or design.

(b) Any surface which is deteriorated, deteriorating, decaying or disintegrating, or which is weathered with dirt or grime, or whose function is impaired through peeling or flaking of any protective coating, shall be repainted or receive other preservative treatment as provided in Subsection (a)(2) hereof. (Ord. No. 139-02. Passed 9/23/02.)

1370.13 EXTERIOR AREAS.

There shall not be maintained or permitted to be maintained at or on the exterior areas of any premises (including the lawn, driveways and landscaped areas) any blighting condition which deteriorates or tends to deteriorate or debase the appearance of the neighborhood; or reduces or tends to reduce property values in the neighborhood; or adversely alters or affects the appearance and general character of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance, including but not limited to the following:

- (a) Broken or dilapidated fences, walls or other structures.
- (b) Broken or uneven walks, parking areas or driveways.
- (c) Open storage of out of use or non-usable appliances, machinery, automobiles or automobile parts.
- (d) Open storage of rugs, rags or other materials not being used for general household or housekeeping purposes hung on lines or in other places; broken, dilapidated or unusable furniture or furnishings, plastic materials, paints, miscellaneous coverings, or any other materials, equipment or things.
- (e) Accumulation of waste of any kind, including paper.
- (f) Grass or weeds taller than six (6) inches for developed lots and taller than eight (8) inches for undeveloped lots at such stage as would provide a harboring place for rodents, or as would permit the spread, by wind dispersal of seeds or otherwise, to adjoining properties. (Ord. No. 119-03. Passed 7/14/03.)
- (g) Parking or storage of any vehicle on a landscaped area of a property is prohibited. (Ord. No. 99-05. Passed 7/25/05.)

1370.14 INSPECTION AND RIGHT OF ENTRY.

The Building Official is authorized to make or cause to be made inspections of

JULY 2005 REVISION

all premises or parts thereof to determine whether there is a violation of any provision of this Code.

Upon presentation of proper credentials showing that he is a City representative, and the purpose of the inspection, and of a warrant to search or other legal process, the Building Official shall have the right, and is hereby empowered and directed, to enter, examine and survey between 9:00 a.m. and 8:00 p.m. Monday through Saturday, or at such other hours and on a Sunday as may be necessary in case of a real and present emergency requiring prompt entry and examination, any premises specified in the warrant or legal process, to perform any duty imposed upon him by this Code; provided, however, that no warrant or other legal process shall be necessary in the case of a real and present emergency requiring prompt entry and examination, or of entry and examination at the invitation or with the consent of the owner, operator or occupant, or into and of a common area or area open to the public.

"A real and present emergency requiring prompt entry and examination" means, as determined by the Building Official, the existence of a sudden or unexpected occurrence or condition or combination thereof which urgently demands immediate action to prevent injury or damage to the health, safety or property of the occupants or of the public.

Judges of the City Municipal Court, any other magistrate or any other judicial officer may, within their respective jurisdictions, issue warrants to search or other legal process authorizing entry into and inspection of any premises upon the filing of an affidavit identifying the premises or part thereof to be entered and examined and alleging particular facts showing that:

(a) A person has complained that a provision of this Code is being violated therein, and particularly stating the grounds of such violation, or that, based upon specific knowledge of the condition of a particular premises or part thereof, the affiant has reasonable grounds to believe that a provision of this Code is being violated; or

(b) The inspection is part of a regular neighborhood area-wide inspection program, and is justified with respect to the premises because of:

- (1) The passage of five (5) years since the last inspection of the premises; or
- (2) The blighted or deteriorated or blighting or deteriorating condition of the premises and/or the neighborhood area;

provided that such justification need not depend upon specific knowledge of the condition of a particular premises or part thereof.

(Ord. 8-69. Passed 2-24-69.)

1370.15 ORDER AND NOTICE OF VIOLATION.

(a) Whenever the Building Official or Codified Code Enforcement Officer determines that a violation of any provision of this Code exists, he shall give or cause to be given by delivering personally or by certified mail, return receipt requested, or by ordinary mail, to the responsible occupant, owner or operator, (in this Code called the responsible person) as the facts warrant, a written order and notice, including the address of the premises, a statement of particulars of such violation or violations, and an order in sufficient particulars requiring the responsible person, within a stated reasonable time, not to exceed thirty (30) days, unless a time extension be granted by the Building Official or Codified Code Enforcement Officer, or by the Board upon application by such responsible person, to remedy the violation by repair, rehabilitation or other appropriate corrective action or by demolition or removal.

(b) If the person to whom such order and notice is addressed cannot be found within Cuyahoga County, then a copy thereof shall be sent by certified mail, return receipt requested, to the last known tax mailing address of the owner, and a copy thereof shall be posted in a conspicuous place on the premises or part thereof to which it relates. If such person cannot be so found and there is no last known tax mailing address, or such certified mail is returned undelivered, a copy of the order and notice shall be published once in a newspaper of general circulation within Cuyahoga County, and shall be posted as aforesaid. No person shall remove or deface a posted copy of such order and notice without authorization of the Building Official or Codified Code Enforcement Officer.

(c) If deemed necessary by the Building Official or Codified Code Enforcement Officer to protect the health, safety or property of the occupants or the public, the order and notice may also order the premises or portion thereof to be vacated forthwith and not be occupied or used until the specified corrective action has been completed, inspected and approved by the Building Official or Codified Code Enforcement Officer. The Building Official or Codified Code Enforcement Officer shall cause to be posted at each entrance to any portion of the premises so ordered vacated a printed notice of such order. No person shall remove or deface such notice without written permission of the Building Official or Codified Code Enforcement Officer or use or enter the premises ordered vacated except for the purpose of making the required corrective action.

(Ord. 4-82. Passed 2-8-82.)

1370.16 NONCOMPLIANCE WITH NOTICE: STANDARDS.

(a) Whenever the addressee of the order and notice provided for in Section 1370.15 fails, neglects or refuses to comply with such order and notice, the Building Official and/or Codified Code Enforcement Officer, established by Section 131.02 of the Codified Ordinances of the City of Rocky River, shall have the authority to issue a citation in accordance with Section 1370.99 of this Code.

(b) The following standards shall be substantially followed by the Building Official and/or Codified Code Enforcement Officer when ordering corrective action pursuant to Section 1370.15 of this Code:

- (1) All buildings and structures which have any one or a combination of the following defects shall be deemed and are hereby declared to be prima-facie public nuisances:
 - A. Interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - B. Exclusive of the foundations, thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) or more of damage or deterioration of the non-supporting enclosure or outside walls or covering.
 - C. Improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - D. Damage by fire, wind or other causes so as to have become imminently dangerous to life, safety, morals, property, health or welfare of the occupants or the public.
 - E. Are so dilapidated, decayed, unsafe, unsanitary or so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of the occupants thereof.
 - F. Light, air or sanitation facilities inadequate to protect the health, morals, safety or general welfare of the occupants thereof.
 - G. Inadequate facilities for egress in case of fire or panic.

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- H. Parts thereof which are so loosely attached that they may fall and injure the occupants.
- I. General condition making it unsafe, unsanitary or a hazard to the health, morals, safety, property, or general welfare of the occupants or public.
- (2) If the conditions constituting a violation of this Code, including those described in Subsection (b)(1) hereof can be reasonably corrected without demolition or removal, such conditions shall be ordered corrected.
- (3) If such conditions, including those described in Subsection (b)(1) hereof are such as to make the building or structure or part thereof imminently dangerous to the health, morals, safety, property or general welfare of its occupants or the public, it or such part shall be ordered to be vacated immediately.
- (4) In any case where a building or structure described in Subsection (b)(1) hereof is:
- A. Fifty percent (50%) damaged or decayed or deteriorated from its original value or structural soundness:
 - B. Conditions described in Subsection (b)(1) hereof cannot be corrected without demolition or removal, or
 - C. Is a fire hazard existing or erected in violation of the terms of this Code or any ordinance of the City or laws of the State of Ohio, it shall be demolished or removed.
- (c) Whenever the responsible person fails, neglects or refuses to comply with an order to vacate issued by the Building Official or Codified Code Enforcement Officer, or the Board, the Director of Law shall institute legal proceedings to enforce such order in accordance with its terms.
- (d) Except as provided in Section (e) below, if the responsible person, after being given notice to comply and an opportunity to be heard as provided in this Section 1370.15, fails, neglects or refuses within thirty (30) days to comply with the City's order to correct the violation of the Code, the City may take such action required by such order, by force account or by contract, or the Director of Law may institute legal proceedings to compel compliance with the order.
(Ord. No. 120-03. Passed 7/14/03.)
- (e) For a violation of Section 1370.13(f) above, if the responsible person, after being given notice to comply as provided in Section 1370.15 above, fails, neglects or refuses within forty-eight (48) hours to comply with the City's order to correct

the violation of the Code, the City may take such action required by such order, by force account or by contract, or the Director of Law may institute legal proceedings to compel compliance with the order.
(Ord. No. 120-03. Passed 7/14/03.)

1370.17 EXPENSES AND COSTS.

Any expense or cost incurred by the City pursuant to Section 1370.16(d) shall be reimbursed to the City by the responsible person, including an additional twenty-five (25) percent of either the contractor's price or the City's remedial expenses to cover the City's administrative cost of property maintenance enforcement. If not so paid by such person within thirty (30) days after billing, such expense or cost may be recovered by an action at law against the responsible person, or may, to the extent permitted by law, by resolution of Council, be certified to the County Auditor and placed on the tax duplicate for collection and shall become a lien on the land involved.
(Ord. No 121-03. Passed 7/14/03.)

1370.18 RIGHT OF APPEAL.

Notwithstanding other provisions of this Code, and supplemented thereto, the responsible person or an affected owner, occupant or operator shall have the right to appeal to the Board from any order and notice issued pursuant to this Code by the Building Official or Codified Code Enforcement Officer. Any such appeal must be filed, in writing, with the Building Official within the time limit given to remedy the violation established on the written order of the Building Official or Codified Code Enforcement Officer in Section 1370.15(a) of the Code.
(Ord. 4-82. Passed 2-8-82.)

1370.99 PENALTY; LEGAL ACTION

(a) Whoever violates any provision of this Chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor subject to a maximum fine of One Thousand Dollars (\$1,000) or a maximum imprisonment term of six (6) months, or both, with the special restriction that each violation shall result in at least a minimum fine of Two Hundred Fifty Dollars (\$250.00).

(b) The imposition of any penalty as provided for in this Chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, or premises, or to require compliance with the provisions of this Chapter or other applicable laws, ordinances, rules or regulations or in the orders or determinations of the Building Official, the Director of Public Safety-Service or the Board of Zoning and Building Appeals.
(Ord. No. 169-04. Passed 12/13/04.)