

CHAPTER 1363  
Exterior Property Maintenance Code

1363.100 Administration.  
1363.200 Definitions.

1363.300 General requirements.

CROSS REFERENCES

Board of Review of Property Value Impairment - see BLDG. Ch. 1347

1363.100 ADMINISTRATION

1363.101 GENERAL

1363.101.1 Title

These regulations shall be known as the City of North Olmsted Exterior Property Maintenance Code hereinafter referred to as "this code" or "Property Maintenance Code".

1363.101.2 Scope

The provisions of this code shall apply to all existing residential and non-residential structures and premises within the City of North Olmsted ("the City") and shall constitute minimum requirements and standards for premises, structures, equipment, and facilities for safe and sanitary maintenance for protection from the elements, life safety, and safety from fire and other hazards. This code is intended to define the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties.

1363.101.3 Intent

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and lack of maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

1363.101.4 Severability

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unauthorized or unconstitutional, such section shall be stricken or modified by the Court, and such decision shall not affect the validity of the remaining portions of this code.

## 1363.102 APPLICABILITY

### 1363.102.1 General

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code or the Codified Ordinances of the City of North Olmsted specify different requirements, the most restrictive requirements shall govern.

### 1363.102.2 Maintenance

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Except as otherwise specified herein, the owner, owner's designated agent or occupant shall be responsible for the maintenance of buildings, structures and premises.

### 1363.102.3 Application of Other Codes

Repairs, additions or alterations of a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of North Olmsted Codified Ordinances or any other applicable Codes and Standards.

### 1363.102.4 Existing Remedies

The provisions in this code shall not be construed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

### 1363.102.5 Workmanship

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

## 1363.103 PROPERTY MAINTENANCE INSPECTION

### 1363.103.1 General

The Building Department is charged with the administration and enforcement of this Property Maintenance Code and the executive official in charge thereof shall be the Building Commissioner.

Where the intent or enforcement of this Code is frustrated by the inability of the Building Commissioner, after exercising reasonable due diligence, to locate or identify an owner or occupier of any structure or premises within the City and there is reasonable suspicion to believe that a violation of this Code exists, the Building Commissioner may refer the matter to the Division of Police for further investigation and/or enforcement of misdemeanor violations.

### 1363.103.2 Officers

The Building Commissioner may designate any qualified City employee or qualified agent of the City providing code enforcement services to the City under an authorized contract, to administer the duties that are assigned to the Building Commissioner by this code. Such qualified City employee or qualified agent hereinafter shall be referred to as "designated agent".

## 1363.104 DUTIES AND POWERS OF THE BUILDING COMMISSIONER

### 1363.104.1 General

The Building Commissioner or designated agent shall enforce the provisions of this code. Unless the context clearly indicates otherwise, hereinafter any duty, responsibility or authority delegated to the Building Commissioner shall include the Building Commissioner and/or designated agent or employee of the City of North Olmsted.

### 1363.104.2 Interpretation authority

The Building Commissioner shall have the authority to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.

### 1363.104.3 Inspections

The Building Commissioner shall make all of the required inspections. All reports of such inspections shall be in writing from a responsible officer of such agency or by the responsible individual. The Building Commissioner is authorized to engage such experts as deemed necessary to report upon unusual technical issues that may arise in the administration or enforcement of this Code.

### 1363.104.4 Right of Entry

The Building Commissioner is authorized to enter any structure or premises within the City at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Building Commissioner is authorized to pursue access to the premises allowed by law, including, but not limited to, the acquisition of an administrative search warrant.

### 1363.104.5 Identification

The Building Commissioner shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

### 1363.104.6 Notices and orders

The Building Commissioner shall issue all necessary notices or orders to ensure compliance with this code.  
(Ord. 2012-39. Passed 5-15-12.)

## 1363.105 VIOLATIONS

### 1363.105.1 Unlawful Acts

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code, including, the failure of any person, firm or corporation to comply with any order issued by the Building Commissioner pursuant to this code requiring any act to be undertaken.

### 1363.105.2 Notice of Violation

The Building Commissioner shall serve Notice of Violation in accordance with Section 1363.106.

### 1363.105.3 Prosecution of Violation

If a person, firm, or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be guilty of violation of this code and subject to the penalties set forth in Section 1363.105.4. If the Notice of Violation is not complied with, the Building Commissioner may institute the appropriate proceeding at law or in equity (including action for injunctive relief) to restrain, correct or abate such condition, or to require the removal or termination of the unlawful occupancy or use of the premises or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

### 1363.105.4 Violation Penalties

Failure to correct the conditions set forth in the Notice of Violation within the time allowed in such Notice or any extension to such Notice shall constitute a criminal misdemeanor offense for the unabated conditions set forth in the Notice of Violation and, additionally, a separate criminal misdemeanor offense for the failure to comply with the order of the Building Commissioner, as required in Section 1363.105.1 as follows:

- a. Minor Nuisances referenced in 1363.107.1 shall be cited and penalized as minor misdemeanor violations, subject to fines of not more than one hundred and fifty dollars per violation;
- b. Unabated Minor Violations may be cited for each and every day that such violations persists unabated and, following conviction of a minor misdemeanor offense, such unabated minor nuisances and any subsequent offense shall be prosecuted as other violations herein; and
- c. Upon conviction of such other violation(s), the owner and/or occupier shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than 180 days, or both. Each day such violation continues shall be deemed a separate offense. Any other person who commits, participates in or assists in the continuation of such violation may each be found guilty of a separate offense and suffer the penalties provided herein.

### 1363.105.5 General Penalty

The imposition of the penalties herein prescribed shall not preclude the Building Commissioner from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

### 1363.105.6 Minor Nuisance Procedure

The following special procedures govern the violations referenced in 1363.107.1, which are subject to penalties by 1363.105.4.

- a. Upon observation of a first violation that is not deemed to be egregious because of prior convictions or prior violations at the property within the past 12 months or because of the presence of multiple violations at the property, a warning tag and/or Notice of Violation shall be personally served upon the owner and/or operator of the premises or, if not present, securely placed upon the front entrance to the building. Warning tags and/or Notice of Violation shall be issued to the owner and/or, when applicable, also to the operator on forms approved by the Building Commissioner. If, based on the forgoing criteria, an egregious condition exists or if the owner and/or operator of the property fails to abate alleged violations within forty-eight (48) hours following service or placement of a warning tag and/or Notice of Violation upon the property, minor misdemeanor citations may be issued by any person employed by the City and specifically designated by the Building Commissioner.
- b. Minor misdemeanor citations shall be issued on forms approved by the Clerk of the Mayor's Court and served in accordance with law. The owner and/or operator shall either personally appear before the North Olmsted Mayor's Court to pay a fine or may be excused from personal appearance upon voluntary written waiver and payment in accordance with Mayor's Court procedure. Waiver of appearance before Mayor's Court and voluntary payment of such fine shall not be deemed a formal admission of guilt but shall constitute acknowledgment of the validity of the real property citation and shall preclude the prosecution of the misdemeanor offense alleged on the date therein but shall not preclude subsequent prosecution and enhancement of penalties upon subsequent dates of offense.  
(Ord. 2014-37. Passed 6-3-14.)

### 1363.106 NOTICE OF VIOLATION

#### 1363.106.1 Notice of Violation

The Building Commissioner shall serve Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations, or the agent or property manager of a person, firm or corporation identified as the owner or occupant of such property found to be in conflict with or in violation of any of the provisions of this code.

#### 1363.106.2 Form of Notice of Violation

Whenever the Building Commissioner determines that there has been a violation of this code or has grounds to believe that a violation has occurred, Notice shall be given in accordance with the following:

- a. The Notice shall be in writing;
- b. The Notice shall be sent to the person, firm, or corporation listed by the Cuyahoga County Auditor's Office as owner of the property or the person, firm or corporation identified as the occupant of such property. Such Notice may also be sent to the agent or property manager of a person, firm or corporation identified as the owner or occupant of such property;

- c. The Notice shall include a description of the property that is sufficient for identification purposes;
- d. The Notice shall include a statement of the violation(s) determined to exist on the property with specific references to the section or sections of this code alleged to have been violated;
- e. The Notice shall include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this code;
- f. The Notice shall include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code; and
- g. The Notice shall inform the person or entity to whom addressed of the right to appeal such Notice of Violation.

#### 1363.106.3 Method of service

The Notice of Violation shall be deemed to be properly served if a copy thereof is:

- a. Delivered personally; or
- b. Sent by certified or registered first class mail addressed to the occupant of such property and to the owner of the property at the address listed as the owner's tax mailing address by the Cuyahoga County Auditor. If the address for the owner appearing on the tax list of the Auditor's office is that of a lending institution or other person or entity clearly recognizable as not being the owner of such property, then written notice shall be mailed to such institution, person or entity at the listed address and to the named owner(s) at the street address of the property; or
- c. Sent by certified or registered first class mail addressed to the owner's last known address; or
- d. Sent by Federal Express, United Parcel Service, DHL or other private parcel delivery service; and additionally
- e. Posted in a conspicuous place in or about the structure affected by such Notice.

If certified mail is unclaimed, then service shall be made by first class mail and shall be deemed properly served three days after the date appearing on the envelope, inclusive of the date of mailing.

#### 1363.106.4 Extension of Compliance Deadline

The Building Commissioner may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance in cases where good cause and/or significant continuing progress is demonstrated to his/her satisfaction. In the event such an extension is granted, the Building Commissioner shall notify the property owner, occupant or agent of the extension in the same form and pursuant to the same method of service required in Sections 1363.106.3, unless such service is waived in

writing by the property owner and/or occupier. Any such Notice of Extension shall specifically state the revised deadline by which time the person or entity receiving the extension shall be required to take the necessary corrective action to bring the property into compliance with the provisions of this code.

(Ord. 2012-39. Passed 5-15-12.)

### 1363.107 MINOR NUISANCES

#### 1363.107.1 General

A minor nuisance exists when a property is in violation of either:

- a. 1363.302.2, 1363.302.6, 1363.302.7, or 1363.302.13.d ; or
- b. 1363.302.3, 1363.302.4, 1363.302.9.a, 1363.302.9.b, 1363.302.9.c, 1363.302.13.a, or 1363.302.13.c;

as described in 1363.300 of this code.

#### 1363.107.2 Abatement

In addition to penalties provided by law, upon failure of the owner and/or occupier to correct the minor nuisance listed at 1363.107.1.a. within the time specified in the Notice of Violation, the Building Commissioner or designated agent may cause the minor nuisance to be abated through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

#### 1363.107.3 Cost of abatement

Costs incurred in the performance of minor nuisance abatement shall be paid by the City. The Director of Law and/or the Director of Finance of the City shall take action to put a lien on the property consistent with Ohio law where the unsafe structure is or was located for the recovery of such costs. The costs may include all labor, equipment or other materials to correct or remove such nuisance, the fees of the officer serving the notices, the cost of public notice of any appeal hearings, and an administrative fee equal to three percent (3%) of the cost to remove and abate such nuisance, but such administrative fee shall not exceed one hundred dollars (\$100.00) nor be less than twenty-five dollars (\$25.00).

(Ord. 2014-37. Passed 6-3-14.)

### 1363.108 UNSAFE STRUCTURES OR PREMISES

#### 1363.108.1 Unsafe Structures or Premises Defined

All structures or conditions upon premises that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or constitute a fire hazard, or are vacant and open to public entry, or are otherwise dangerous to human life or injurious to the public, or in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are Unsafe Structures or Unsafe Premises. All Unsafe Structures or Unsafe Premises are declared to be public nuisances.

### 1363.108.2 Notice of Unsafe Structure or Premises

Upon determining that a structure or premises is an Unsafe Structure or Premises, the Building Commissioner shall issue a Notice of Unsafe Structure or Premises and notify the owner of record, occupant, mortgagee, agent, all holders of legal and equitable liens of record upon such structure and property as well as all other persons having an interest in such structure, as shown by the records maintained by the Cuyahoga County Recorder and Fiscal Officer, that the structure or premises have been declared an Unsafe Structure or Premises and:

- a. The owner of record must vacate, repair or demolish the structure or premises in accordance with the terms of the Notice and the City's ordinances; and
- b. The occupant must vacate such structure or premises or have it repaired in accordance with the notice to remain in possession; and
- c. The mortgagee, agent, lienholder of record or other person having an interest in the structure or premises, as shown by the records maintained by the Cuyahoga County Recorder and / or Fiscal Officer, may at his or her own risk repair, vacate or demolish the structure or premises or have such work or act done; and
- d. State a reasonable time, not exceeding 60 days, by which the repairs or demolition must be completed; and
- e. Set forth a description of how the structure or premises are unsafe; and
- f. State that if the owner of record, occupant, mortgagee, agent, all holders of legal and equitable liens of record upon such structure or premises and property as well as all other persons having an interest in such structure or premises fail to complete the necessary repair or demolish the structure within the time specified by the notice, the City will abate the conditions making the structure unsafe and seek reimbursement of its costs as provided in Section 1363.108.7.

The Building Commissioner shall cause a notice to be placed at each entrance to the structure or premises that states "Do Not Enter. Unsafe Structure [or Premises]. This Structure [or Premises] has been identified as an UNSAFE STRUCTURE [or PREMISES] by the Building Commissioner and Occupancy is Prohibited". This Notice is to remain on the Structure or Premises until it is repaired, vacated or demolished and shall not be removed unless directed to do so by the Building Commissioner.

### 1363.108.3 Method of Service

The Notice of Unsafe Structures shall be deemed to be properly upon the persons or entities identified in Section 1363.108.2 if a copy thereof is:

- a. Delivered personally; or
- b. Sent by certified or registered first class mail addressed to the occupant of such property and to the owner of the property at the address listed as the owner's tax mailing address by the Cuyahoga County Auditor. If the address for the owner appearing on the tax list of the Auditor's office is that of a lending institution or other person or entity clearly recognizable as not being the owner of such property, then written notice shall be mailed to such institution, person or entity at the listed address and to the named owner(s) at the street address of the property; or

- c. Sent by certified or registered first class mail addressed to the owner's last known address; or
- d. Sent by Federal Express, United Parcel Service, DHL or other private parcel delivery service; and additionally
- e. Posted in a conspicuous place in or about the structure affected by such Notice.

If certified mail is unclaimed, then service shall be made by first class mail and shall be deemed properly served three days after the date appearing on the envelope, inclusive of the date of mailing.

#### 1363.108.4 Notice of Unsafe Structure Posing Imminent Danger

When, in the opinion of the Building Commissioner, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, the Building Commissioner shall:

- a. Issue notice in compliance with Section 1363.108.3, that the structure has been declared an Unsafe Structure and poses imminent danger and:
  - 1. Identify the conditions posing imminent danger; and
  - 2. State that the owner of record or other party in interest must cause the abatement of the conditions posing an imminent danger within 5 days after service of the notice, or, the City will abate the conditions posing imminent danger and seek reimbursement of its costs as provided in Section 1363.108.7.
- b. Cause a notice to be placed at each entrance to the structure which states "Do Not Enter. Unsafe Structure. This Structure has been identified as an UNSAFE STRUCTURE by the Building Commissioner and Occupancy is Prohibited." This Notice is to remain on the Structure until it is repaired, vacated or demolished.

#### 1363.108.5 Securing Unsafe Structures

If a structure is determined to be an Unsafe Structure, the Building Commissioner may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons.

#### 1363.108.6 Prohibited Occupancy

It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same. No person shall occupy a structure that has been designated as an Unsafe Structure, and no owner or any person responsible for the premises shall let anyone occupy an Unsafe Structure.

### 1363.108.7 Cost

If the City incurs costs relating to declaring a structure to be Unsafe Structure or abating the conditions making the structure unsafe through repair or demolition, the City shall provide notice to the owner of record, occupant, mortgagee, agent, all holders of legal and equitable liens of record upon such structure and property as well as all other persons having an interest in such structure of the costs incurred and that the City will seek to certify those costs to the County Auditor. The Director of Law may take any other action necessary to collect the costs of abatement.

### 1363.111 MEANS OF APPEAL

#### 1363.111.1 Application for appeal

Unless another timeline or process is set forth herein, any person directly affected by a decision of the Building Commissioner or a Notice or Order issued under this code shall have the right to appeal to the Board of Building Code Appeals, provided that a written application for appeal is filed within the lesser of either 10 days from the date the Notice or Order was served, or the date of the expiration of the abatement period set forth in the Notice.

#### 1363.111.2 Standard for Review

An application for appeal shall be based on a claim that there is no basis in fact for the Building Commissioner's Notice or that the decision is arbitrary or capricious.

#### 1363.111.3 Administrative Procedures for Appeals

The procedure for such appeal shall be consistent with Chapter 1315 of the North Olmsted Codified Ordinances.

#### 1363.111.4 Stay Pending Appeal

A Notice of Unsafe Structure or Premises, Notice of Unsafe Structure Posing Imminent Danger or other Order (collectively "Notice") issued under this Chapter shall be stayed pending appeal if a stay is requested, in writing, at the time that the appeal is filed. Additionally, if an appeal is taken from a Notice of Unsafe Structure Posing Imminent Danger issued under 1363.108.4, then the Appellant shall as a condition of stay, additionally, post a cash bond with the City of North Olmsted Director of Finance, in an amount not less than fifty percent (50%) of the tax value as determined by the Cuyahoga County Fiscal Officer. Said bond is posted for the purpose of ensuring that the Imminent Danger can be reasonably abated. Notwithstanding the foregoing, a stay pending appeal will not bar criminal prosecution for a violation of any provision of this Code. (Ord. 2012-39. Passed 5-15-12.)

### 1363.200 DEFINITIONS

#### 1363.201 GENERAL

##### 1363.201.1 Scope

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

### 1363.201.2 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

### 1363.201.3 Terms defined in other codes

Where terms are not defined in this code, but are defined in the Ohio Building Code for commercial structures, including multi-family residential structures, the State of Ohio Building Code for one, two and three family residential structures, the Ohio Fire Code, or the City of North Olmsted Zoning Code, such terms shall have the meanings ascribed to them as in those codes.

### 1363.201.4 Terms not defined

Where terms are not defined through the methods authorized by this section such terms shall have ordinarily accepted meanings such as the context implies.

### 1363.201.5 Parts

Whenever the words "dwelling unit", "dwelling", "premises", "structure", "building", "rooming house", "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

## 1363.202 GENERAL DEFINITIONS

### 1363.202.1 ALLIGATORING

A characteristic in asphalt which occurs during aging. Exposed asphalt inherently over time loses volatile oils, in conjunction with oxidation caused by UV exposure creates a pattern of cracks. These cracks resemble alligator hide.

### 1363.202.2 APPROVED

Approved by the Building Commissioner or a duly authorized representative.

### 1363.202.3 BUILDING MATERIALS

Items used in construction of structures or in landscaping, including, but not limited to lumber, plywood, concrete, rebar, roofing, siding, doors, windows, flashing, piping, fencing or other materials commonly used for building or construction, being either new or used.

### 1363.202.4 BUILDING COMMISSIONER

The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

### 1363.202.5 COMPOST BIN

A closed container used to house a heap of decomposing organic material.

### 1363.202.6 COMPOST HEAP

A pile of organic materials kept under controlled conditions so that the original raw materials are transformed by decay and degradation into humus.

### 1363.202.7 CONDEMN

To adjudge unfit for occupancy.

**1363.202.8 DISCARDED MATERIALS**

The accumulation of wood, appliances, furniture, mattresses, motor vehicle parts or tires, building materials, toys, recreational or sporting equipment, carpeting or any other material or equipment whereby its placement upon real property is not consistent with its intended normal use or due to its condition and/or state of disrepair is not usable for its normal intended use.

**1363.202.9 DWELLING UNIT**

A group of rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family.

**1363.202.10 ENVIRONMENTAL CONSERVATION AREA**

A tract of land that has been awarded protected status in order to ensure that natural features or biota are safeguarded.

**1363.202.11 EXTERIOR PROPERTY**

The open space on the premises and on an adjoining property under the control of owners or operators of such premises.

**1363.202.12 GARBAGE**

The animal or vegetable waste resulting from the hauling, preparation, cooking and consumption of food. Vegetable waste as part of a managed compost heap shall not be considered garbage.

**1363.202.13 GUARD**

A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**1363.202.14 IMMINENT DANGER**

A condition which would cause serious or life-threatening injury or death at any time. Imminent meaning ready to take place especially hanging threateningly over one's head.

**1363.202.15 INOPERABLE VEHICLE**

Motor-driven vehicles that cannot, physically or lawfully, under their own power, and without repair or replacement of parts, be operated on the public highways of the City and have remained in such inoperable condition for 10 or more consecutive days, or a motor driven vehicle which has no attached vehicle registration or to which the attached vehicle registration is expired or which vehicle registration attached is registered to another vehicle.

**1363.202.16 LANDSCAPE AREA**

A portion of property where the surface of the ground has been purposely planted, cultivated and maintained to create an aesthetic effect, which includes, but is not limited to lawn grass, ornamental grass, bushes, trees, flowers or other vegetation and surface covering, such as gravel, rocks, shale, bark mulch, soils and paving stones, but does not include weeds or noxious weeds.

**1363.202.17 OCCUPANCY**

The purpose for which a building or portion thereof is utilized or occupied.

**1363.202.18 OCCUPANT/OCCUPIER**

Any individual living or sleeping or operating a business within a building, or having possession of a space within a building.

**1363.202.19 OPERATOR/MANAGER**

Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**1363.202.20 OWNER**

Any person, agent, operator, manager, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the trustee of a trust holding such property of any such person, and the executor or administrator of the estate of such person if granted authority to take possession or control of real property by a court.

**1363.202.21 PERSON**

An individual, corporation, partnership or any other group acting as a unit.

**1363.202.22 PREMISES**

A lot, plot or parcel of land including any structure thereon.

**1363.202.23 RIGHT OF WAY**

A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. Right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority.

**1363.202.24 RIPARIAN ZONE**

The part of the watershed immediately adjacent to the stream channel located in the 500 year flood plain or 50 feet from the centerline of the stream or creek, whichever is greater.

**1363.202.25 RUBBISH**

Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, packaging materials, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, paper waste, crockery and dust. Tree branches and yard trimmings which are part of a managed compost heap shall not be considered rubbish.

**1363.202.26 SAFE**

Free from risk or harm.

**1363.202.27 SANITARY**

Characterized by or readily kept in cleanliness.

**1363.202.28 STRUCTURE**

That which is built or constructed.

**1363.202.29 TENANT**

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**1363.202.30 VEHICLE, COMMERCIAL**

Any vehicle, trailer, tractor or other type of motor vehicle used for commercial, industrial, or institutional activities and having identification by means of vehicle signage or commercial license plates or being over 6,500 pounds in gross vehicle weight.

### 1363.202.31 WOODED AREA

An un-landscaped tract of land consisting of a dense growth of trees, plants and underbrush.

### 1363.202.32 WORKMANLIKE

Executed in a skilled or professional manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

(Ord. 2012-39. Passed 5-15-12.)

## 1363.300 GENERAL REQUIREMENTS

### 1363.301 GENERAL

#### 1363.301.1 Scope

The provisions of this chapter shall govern the minimum conditions and responsibilities of persons for maintenance of the exterior of all premises, both residential and commercial, the grounds of such property and the condition of all buildings and structures thereon so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the City so as to avoid blighting effects and hazards to health, safety and welfare.

#### 1363.301.2 Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are also responsible for keeping it in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

#### 1363.301.3 Vacant structures and land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. All vacant structures shall be secured so as to prevent the entry of rodents and other pests.

### 1363.302 EXTERIOR PROPERTY AREAS

#### 1363.302.1 Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage. No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public. No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall allow the accumulation on any lot or in any such building, house, or structure, rubbish or other materials which shall or will, if such condition is suffered to continue, attract and propagate vermin or insects. Regulations for the disposal of garbage and rubbish are detailed in Chapter 941 of the North Olmsted Codified Ordinances.

#### 1363.302.2 Discarded materials

All exterior property and premises shall be maintained free of discarded materials.

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### 1363.302.3 Building materials

Owners shall not permit the accumulation of building materials or construction equipment upon property and shall remove said materials or equipment from the exterior of the property, except when said building materials or equipment are permitted upon property where the owner is in possession of a valid and existing building permit issued by the City or if the owner is otherwise in the process of construction or improvements upon said property.

### 1363.302.4 Commercial and industrial materials

Equipment, vehicles, materials or waste relating to commercial or industrial uses shall not be stored or used unless expressly permitted under the City's Zoning Code for the premises.

### 1363.302.5 Compost heap

A compost heap shall not be placed in any front yard as defined by the City's Zoning Code and shall be set back a minimum of five feet from any side and rear yard lot line and a minimum of 25 feet from any adjacent residential dwelling unit. In no event shall a compost heap be located in any riparian zone, drainage or utility easement. A compost heap shall be no more than four feet in height, and shall not exceed a maximum ground or base area of 30 square feet. The depositing of pet waste, meat scraps, or other materials that may attract animals or vermin to the compost heap or which may provide an obnoxious odor is prohibited. Any compost heap shall be confined in a fenced area, compost bin or similar enclosed structure.

### 1363.302.6 Vegetation

#### a. Safe flow of traffic

All hedges, bushes, trees and other vegetation, both within or without of the right-of-way, shall be kept trimmed and from becoming overgrown so that such growth does not interfere with the safe flow of traffic or is an obstruction to traffic sight lines or otherwise blocks, impedes or interferes with appropriate traffic safety signs. Bushes, shrubs and/or vegetation in the front yard areas shall be cut to a maximum height of three feet and for a distance of twenty feet from the inside edge of the sidewalk.

#### b. Maintenance

All plant materials, especially trees and shrubs, which are dead, afflicted with decay, disease or insect infestation, or otherwise considered dangerous to other plant material; or are in such a condition that it shall or will, if such condition is suffered to continue, endanger the life, limb, or property or cause hurt, damage, or injury to persons or property or cause hurt, damage, or injury to persons or property upon the public streets, or rights-of-way adjacent thereto, by the falling thereof or of parts thereof, shall be removed or appropriately treated.

Exception: Any portion of property which is within a riparian zone of any creek or waterway, an environmental conservation area or wooded area, or undeveloped property which abuts Interstate-480 or land which is part of the Metroparks system shall be exempt from the provisions of this section.

### 1363.302.7 Weeds and plant growth

All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, in excess of six (6) inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of six (6) inches shall be cut and destroyed within forty-eight (48) hours after service of a Notice of Violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 1363.107 of this code. All noxious weeds shall be prohibited. Noxious weeds include but are not limited to poison ivy, poison oak, poison sumac as well as those plants defined in Section 901:5-37 of the Ohio Administrative Code.

### 1363.302.8 Sidewalks, parking areas and driveways

All sidewalks, walkways, stairs, driveways, parking areas and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions, such as holes, grade shifts and trip hazards. Any grade separation on any such surface greater than two inches shall be considered a hazard.

Cracks in asphalt areas may be patched, filled and/or seal-coated. Depressions in asphalt areas shall be patched before seal-coating. Asphalt areas where sections are missing and the earth is exposed, where edges and/or sections of the drive are cracked or display alligating, or where fifty percent (50%) or more of the drive is damaged shall be resurfaced.

Concrete blocks having cracks wider than one-quarter inch at any point along their length shall be repaired. Hairline cracks do not have to be repaired. Multi-cracked blocks, blocks that have cracking through the entire depth of the block, and cracked sidewalk blocks shall be replaced. Ramping is not allowed as a repair for out of level blocks.

### 1363.302.9 Motor vehicles

#### a. Parking

No motor vehicle shall be parked on any lot unless parked on a hard surface including asphalt, concrete, or other approved surface.

#### b. Storage of inoperable vehicles

No inoperable motor vehicle shall be parked, kept or stored on any lot. This section shall not be construed to permit the parking or placing of inoperable vehicles on any public right-of-way. No more than one vehicle may be parked while covered by a cover made for vehicles. All covered vehicles shall be operable.

#### c. Major repair

No motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

d. Minor repair

Minor repair, including changing a flat tire, window repair, oil changes, changing the air filter, tune-ups, changing wiper blades, changing lights, and other similar work of the personal vehicle(s) registered to the owner/occupant of such property is allowed on any property.

This section shall not otherwise authorize the operation of any motor vehicle repair facility in a zoning district where such use is either not accepted as a permitted or conditional use within such district.

1363.302.10 Accessory buildings and structures

All accessory buildings and structures, including, but not limited to detached garages, storage sheds, decks, gazebos, bridges, patios, pergolas, fences and walls, shall be maintained structurally sound and in good repair.

1363.302.11 Defacement of property

No person shall willfully or wantonly damage, mutilate or deface any exterior surface or any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. Graffiti shall be removed or painted over immediately.

1363.302.12 Signs

All signs permitted and lawfully nonconforming shall be maintained in good repair. Any signs which have weathered or faded or those upon which the paint has peeled shall, with their supporting members, be removed forthwith or put into a good state of repair. Any electrical components shall also be maintained in good repair. (Ord. 2012-39. Passed 5-15-12.)

1363.302.13 Supplemental regulations for residential property

a. Trash containers and receptacles

Trash containers shall be stored within garages or other buildings authorized for such purpose, or so located, or hidden by landscaping, fencing or an enclosure, as to not be visible from the public right of way; provided, however, that trash containers may be stored in side yard areas and visible from the right of way so long as the containers have lids that are sufficiently sealed so as to prevent animal or insect foraging and infestation, and are located immediately adjacent to the residential structure.

b. Laundry

All laundry poles or lines for the drying of clothes shall be constructed and maintained only in the rear yard.

c. Recreational vehicles

Recreational vehicles, as defined in the City's Zoning Code, shall not be parked or stored on residential property, except as permitted in Section 1135.02(h), and if covered, must be kept under covers that have been specifically designed for recreational vehicles. Recreational vehicles shall be parked on an approved paved surface. No recreational vehicle shall be parked unless it is titled to or leased and used exclusively by one of the permanent occupants of the property upon which the recreational vehicle is located.

d. Yard waste

Yard clippings, leaves, including tree branches, shrubbery or other similar trimmings, shall not be stored, placed or permitted to accumulate on the tree lawn or within the right of way, except in conjunction with scheduled municipal service and in accordance with removal regulations.

e. Firewood

The storage of firewood is only permitted on the side and rear yard subject to the following conditions:

1. Must be stacked neatly in a pile not to exceed five (5) feet in height;
  2. Minimum distance of five (5) feet from rear and side lot lines;
  3. Minimum distance of fifteen (15) from adjacent, neighboring structures;
  4. Must be stored in such a manner as to avoid fire hazard, nuisance due to deterioration or pest infestation.
- (Ord. 2014-67. Passed 10-21-14.)

1363.302.14 Supplemental regulations for non-residential property

a. Landscaping

All trees, shrubs and other plantings which are part of a landscaping plan approved by the City pursuant to the provisions of Chapter 1126 of the Zoning Code shall be maintained in a trimmed and healthy condition. Trees, shrubs and other plantings which have died shall be timely replaced with like and similar plantings.

b. Fencing

When any fence belonging to a non-residential property, and serving as a boundary between residential and non-residential properties, falls into a state of disrepair such as would require repair or replacement of more than fifty percent (50%) of the length of that portion of the fence which borders the residential property, the entire length of the fence which borders the residential property shall be replaced with a solid fence of a material, style and height proposed by the property owner which is approved by the City through the minor change process as delineated in Chapter 1126.09 of the Zoning Code.

c. Lighting

All exterior lighting shall be maintained and in good working condition. Nonworking lights shall be promptly replaced. Light fixtures, poles and pole bases shall be kept in good repair.

1363.303 EXTERIOR STRUCTURE

1363.303.1 General

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as to be preserved safely, fire hazards eliminated, and adjoining properties in the neighborhood protected from blighting influences.

#### 1363.303.2 Protective treatment

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

#### 1363.303.3 Premises identification

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. The numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3.5 inches in height with a minimum stroke width of 0.5 inch. Numbers shall not exceed a maximum of 24 inches in height. Address signage shall be no larger than necessary for adequate identification by safety service personnel.

#### 1363.303.4 Structural members

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

#### 1363.303.5 Foundation walls

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent entry of rodents and other pests.

#### 1363.303.6 Exterior walls

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproofed and properly surface coated where required to prevent deterioration.

#### 1363.303.7 Roofs and drainage

The roof and flashing shall be sound, tight and not have defects that admit rain or melting snow or ice. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

#### 1363.303.8 Decorative features

All cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### 1363.303.9 Overhang extensions

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces or metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. In the event that such overhang is made of cloth, plastic or similar material, such material shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes.

#### 1363.303.10 Stairways, decks, porches and balconies

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Said areas shall be kept clear of hazards and debris and shall not be used as storage areas. The undercroft of porches shall be enclosed with masonry or shall be skirted by lattice.

#### 1363.303.11 Chimneys, towers and satellite dishes

All chimneys, cooling towers, smoke stacks, antennas, satellite dishes and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### 1363.303.12 Handrails and guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

#### 1363.303.13 Windows, skylights and doors

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes.

#### 1363.303.14 Doors

All exterior doors, door assemblies and hardware shall be maintained in good condition.

#### 1363.303.15 Guards for basement windows

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.  
(Ord. 2012-39. Passed 5-15-12.)