

## CODIFIED ORDINANCES OF NORTH OLMSTED

### PART THIRTEEN - BUILDING CODE

#### TITLE ONE - Technical Standards Adopted.

- Chap. 1301. Ohio Building Code.
- Chap. 1303. Heat and Air Conditioning Insulation Standards. (Repealed)
- Chap. 1305. One, Two and Three-Family Dwelling Code.
- Chap. 1307. Plumbing Requirements. (Repealed)
- Chap. 1309. National Electrical Code. (Repealed)

#### TITLE THREE - Building Administration

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CHAPTER 1301  
Ohio Building Code

1301.01 Adoption. 1301.99 Penalty.

CROSS REFERENCES

- See sectional histories for similar State law
- Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
- Power to enact further and additional regulations - see Ohio R.C. 3781.01
- Authorization by Board of Building Standards - see Ohio R.C. 3781.12
- Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
- Final jurisdiction - see Ohio R.C. 3781.04
- Application - see Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)
- Submission of plans - see Ohio R.C. 3791.04
- Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103
- Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104
- Automatic sprinkler systems - see Ohio R.C. 3781.105, 3791.041 et seq.
- Fire suppression systems - see Ohio R.C. 3781.108
- Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
- Abandoned service stations - see Ohio R.C. 3791.11 et seq.

**1301.01 ADOPTION.**

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards (OBBS), Department of Industrial Relations, now in effect and all future editions or revisions, as may be amended from time to time by the OBBS, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).  
(Ord. 2015-62. Passed 9-1-15.)

**1301.99 PENALTY.**

No person shall violate any provision of the Ohio Building Code. Whoever violates any provision of Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order as authorized by or pursuant to the OBC.  
(Ord. 2015-62. Passed 9-1-15.)

CHAPTER 1303  
Heat and Air Conditioning Insulation Standards (Repealed)

EDITOR'S NOTE: Former Chapter 1303 was repealed by Ordinance 2015-62.



CHAPTER 1305  
One, Two and Three-Family Dwelling Code

1305.01	Adoption.	1305.03	Supplemental standards.
1305.02	File and distribution copies.	1305.99	Penalty.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231  
Ohio Building Code - see Ohio R.C. 3781.10  
Energy conservation - see Ohio R.C. 3781.181  
Smoke detectors - see FIRE PREV. 1701.13

1305.01 ADOPTION.

There is hereby adopted by the Municipality, the Residential Code of Ohio (RCO) and related codes as adopted by the Ohio Board of Building Standards (OBBS), Department of Industrial Relations, now in effect and all future editions or revisions, as may be amended from time to time by the OBBS, and as identified and published in Division 4101:8 et seq. of the Ohio Administrative Code (OAC).  
(Ord. 2015-62. Passed 9-1-15.)

1305.02 FILE AND DISTRIBUTION COPIES.

Copies of the Dwelling Code adopted under Section 1305.01 are available online at the website of the Ohio Board of Building Standards.  
(Ord. 2015-62. Passed 9-1-15.)

1305.03 SUPPLEMENTAL STANDARDS.

The following standards are supplemental to and shall be construed to constitute a part of the One, Two and Three-Family Dwelling Code adopted under Section 1305.01:

- (a) Exposed Exterior Concrete or Block Masonry Walls. Exposed exterior walls shall be treated in the following manner:
- (1) New homes.
    - A. Block foundations. Above grade walls stepped to accommodate a facing of either brick or stone veneer.
    - B. Concrete poured or pre-cast walls with a brick imprint to structure showing above grade shall be acceptable.

- (2) New additions or exterior alterations above grade. Foundation above grade shall match dwelling material. In the case where the existing structure has more than one type foundation wall, the material shall match that on existing elevation.
- (3) Detached garages or sheds. May show concrete or stucco block to 8" above grade.

Other variations require approval by the Building and Zoning Board of Appeals.

(b) Chimneys, Flues and Vents.

- (1) All chimneys, flues and gas vents, that are exterior of the structure and terminate above the roof line causing them to be viewable from a public way, shall be enclosed in a corrosion resistant material that simulates a conventional masonry chimney.
  - (2) In lieu of above, an enclosure compatible with exterior architectural elements of the structure shall enclose the metal chimney, flue or gas vent.
  - (3) Definitions of a chimney, flue or gas vent are as follows:
    - A. "Chimney" means a primarily vertical masonry or reinforced concrete shaft which encloses one or more flues.
    - B. "Gas vent" means a flue for removing products of combustion from gas heat appliances.
    - C. "Flue" means a passageway, vertical or nearly so for conveying gaseous products of combustion to the outer air.
- (Ord. 2015-62. Passed 9-1-15; Ord. 2016-37. Passed 5-3-16.)

1305.99 PENALTY.

No person shall violate any provision of the Residential Code of Ohio. Whoever violates any provision of this chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. (Ord. 2015-62. Passed 9-1-15.)

CHAPTER 1307  
Plumbing Requirements (Repealed)

EDITOR'S NOTE: Former Chapter 1307 was repealed by Ordinance 2015-62.



CHAPTER 1309  
National Electrical Code (Repealed)

EDITOR'S NOTE: Former Chapter 1309 was repealed by Ordinance 2015-62.



TITLE THREE - Building Administration  
 Chap. 1315. Building and Zoning Board of Appeals.  
 Chap. 1317. Registration of Contractors.  
 Chap. 1319. Licensing of Rental Units.  
 Chap. 1321. Permit and Inspection Fees.

CHAPTER 1315  
 Building and Zoning Board of Appeals

1315.01 Powers.

1315.02 Variations and modifications.

CROSS REFERENCES

Appeals from administrative agencies - see Ohio R.C. Ch. 2506  
 Public meetings - see ADM. Ch. 109

1315.01 POWERS.

The Building and Zoning Board of Appeals created by Article VII, Section 1 shall have, in addition to the duties given to it by the Charter, the powers as granted to it by this Building Code to be exercised in the manner herein set forth. "Board," when used in this Code, means the Building and Zoning Board of Appeals. The jurisdiction of the Building and Zoning Board of Appeals shall not include matters subject to the jurisdiction of the Ohio Board of Building Standards. The Building and Zoning Board of Appeals shall have the power to:

- (a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;
- (b) Vary the application of any provision of this Building Code to any particular case, when in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;
- (c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;
- (d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;

- (e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and to affirm, amend, modify or nullify any such proposed rule;
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;
- (g) Report and recommend to Council any amendment, deletion or addition to the Building Code. (Ord. 2015-77. Passed 11-4-15.)

#### 1315.02 VARIATIONS AND MODIFICATIONS.

The Building and Zoning Board of Appeals, after public hearing may vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would be manifest injustice, would be contrary to the spirit and purpose of this Building Code or public interest or when, in its opinion, the interpretation of the Building Commissioner should be modified or reversed. A decision of the Board to vary the application of any provision of this Building Code or to modify an order of the Commissioner shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

If a decision of the Building and Zoning Board of Appeals reverses or modifies a refusal, order or disallowance of the Building Commissioner or varies the application of any provision of this Building Code, the Commissioner shall take action immediately in accordance with such decision.

(Ord. 2015-77. Passed 11-4-15.)

CHAPTER 1317  
Registration of Contractors

1317.01	General provisions.	1317.06	Revocation and suspension.
1317.02	Registration required; home owners' exception.	1317.07	Fees.
1317.03	Public utility organizations' exception.	1317.08	Expiration and renewal of registration.
1317.04	Applications.	1317.09	Firms or corporations installing work.
1317.05	General qualifications.	1317.99	Penalty.

CROSS REFERENCES

Registration and license fees - see BLDG. 1321.01 et seq.

1317.01 GENERAL PROVISIONS.

It is the general intent of this chapter to authorize the Building Commissioner, subject to the review of the Building and Zoning Board of Appeals, to regulate and monitor any and all building contractors, whether commercial or residential, who intend to engage in any work or trade in this City and, as a prerequisite thereto, to impose the following requirements:

- (a) To require any and all contractors who are mandated by law to be certified or licensed by the State of Ohio to:
  - (1) Obtain and maintain a valid state license; and
  - (2) Register such state license with and annually renew or maintain such registration with the Building Department;
- (b) To require and provide the procedure for the local registration of any contractors that are not so mandated to be certified or licensed by the State of Ohio; and  
(Ord. 2013-35. Passed 4-16-13; Ord. 2016-37. Passed 5-3-16.)

1317.02 REGISTRATION REQUIRED; HOME OWNERS' EXCEPTION.

(a) No person, firm or corporation shall do any work or engage in the business of or act in the capacity of a general contractor or of a subcontractor, until it has fully complied with the registration procedures of this chapter, as signified by the issuance of a registration certificate by the Building Commissioner, subject however, to the provisions of subparagraph (b) hereinafter.

(b) No provision of this Building Code or any regulation adopted by authority of this Building Code shall be interpreted to require that the owner of a single or one-family dwelling be registered pursuant to subparagraph (a) or to otherwise personally hold a certificate as a prerequisite to perform work upon the premises occupied, or to be occupied, by the said owner thereof as such owner's established residence. All such work shall be done by such owner with the assistance only of any member of his family or household, provided however, that such work shall be done in conformity with the provisions of this Building Code and rules or regulations promulgated thereunder and that no work shall be done unless all permits, inspections and approvals required by this Building Code are secured.

(c) Any person, firm or corporation engaged in or hired to perform any work or trade in this City, in the capacity of a contractor or otherwise, that fails to register, as required by subparagraph (a), shall be guilty of a misdemeanor of the first degree and subject to prosecution therefor, in addition to any other sanctions imposed herein, to include doubling of the registration fee.

(Ord. 2013-35. Passed 4-16-13.)

#### 1317.03 PUBLIC UTILITY ORGANIZATIONS' EXCEPTION.

No provision of this chapter of the Building Code shall be interpreted to require licenses, registration or certificates of qualification for officials or employees of public utility organizations to engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of the equipment for generation, transmission or distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide. Public utility organizations, as exempted herein, shall be limited to those utilities whose activities are regulated by the Public Utilities Commission of Ohio (PUCO) or are otherwise exempt from municipal regulation by operation of federal law. (Ord. 2013-35. Passed 4-16-13.)

#### 1317.04 APPLICATIONS.

(a) Forms. The Building Commissioner shall establish and direct the Building Department on the use of uniform application forms for local registration certificates.

(b) Submittals by State Licensed Contractors. All applicants for a certificate of registration must provide evidence of compliance with Ohio Revised Code Chapter 4740 et seq., which shall be deemed satisfactory upon the presentation of documentation demonstrating a current license or certificate issued by the State of Ohio in a form under seal or a copy thereof. No further or additional testing, review or evidence of skill shall be required of a contractor demonstrating such compliance with said state law, provided however, that the evidence of compliance is also submitted as required in subparagraph (d) herein.

(c) Submittals by Non-State Licensed Contractors. All applicants for a certificate of registration must provide satisfactory evidence of skill in the work or trade for which registration is sought, together with other documentation required herein. Satisfactory evidence of skill must be demonstrated to the Building Commissioner, by submission of any or all of the following:

- (1) An affidavit from the applicant which describes the manner in which he has been actively engaged in the licensed area for a period of five or more years and which otherwise describes his expertise, including formal education, testing or specialized training and certification;
- (2) A complete list of the names, addresses and phone numbers of up to six (6) clients or other contractors for whom they have performed work in this or any trade and a description of the projects involved;
- (3) If applicable, a current license or certification by the State of Ohio in any field or trade;
- (4) If applicable, a current license or certificate issued by any trade council, testing institution, accredited board or other trade group, together with examination results; and

(d) Evidence of Compliance. All applications for local license and registration certificate shall include the following documentation, to be supplied by the applicant:

- (1) A certificate of insurance for general liability for bodily injury and property damage in the amount of \$500,000.00;
- (2) A certificate of insurance for construction claims and unworkmanlike performance in the amount of \$500,000.00;
- (3) A certificate of coverage from the Bureau of Workers' Compensation; and
- (4) Federal tax or payroll identification number or Regional Income Tax Account number or other evidence of registration and/or certification of compliance with RITA withholding.
- (5) A certificate of compliance with Renovation, Repair and Painting (RRP) Rules issued by the Environmental Protection Agency (EPA) for lead-based paint and/or window replacement, where applicable.

(e) Issuance of Certificate. The Building Commissioner, upon receipt of all required fees, documentation and evidence of compliance necessary to satisfy the provisions herein, shall issue or deny a certificate of registration. An application shall not be deemed to have been approved until the Building Commissioner has examined such application, determined therefrom that the applicant has satisfied the requirements of Section 1317.04, and has issued a certificate of registration.

(f) Appeals. The applicant for a registration certificate may appeal from the denial by the Building Commissioner to the Building and Zoning Board of Appeals. The Board shall hear and decide the appeal at its next regular meeting. At the discretion of the Building and Zoning Board of Appeals, after a review of records and an oral examination, a temporary registration certificate may be issued but not to exceed two years in duration. After the two-year probationary period, the applicant may reapply to the Building Commissioner and, upon appeal, the Board shall either deny or affirm the application.

(g) Records. The Building Commissioner shall keep a record of all certificates of registration and certificates for local licenses, and together with other documentation forming the basis for the issuance, or the denial thereof, on file for not less than three years. (Ord. 2013-35. Passed 4-16-13; Ord. 2016-37. Passed 5-3-16.)

#### 1317.05 GENERAL QUALIFICATIONS.

(a) Notwithstanding an applicant's compliance with Section 1317.04, no contractors shall be issued a registration certificate, nor shall such registration be renewed, if the applicant lacks good moral character. In any determination as to the moral character of an applicant, the Building Commissioner shall consider the applicant's record of violations of the Building Code, of other laws or ordinances regulating building construction in the City, and evidence of similar violations in other communities. Evidence of dishonest construction practices or malpractice in the conduct of a business, trade or profession, shall also be considered as evidence of moral character or the lack thereof. Upon receipt and review of such evidence, the Building Commissioner may determine that it is in the public interest that such applicant not be issued a certificate of registration or that same not be renewed and thereby refuse or revoke authority to engage in work or practice a trade in this City. The Building Commissioner's determination shall be subject to appeal to the Building and Zoning Board of Appeals and governed by the procedure set forth in Section 1317.04 and otherwise by law.

(b) The character or moral fitness of a contractor in possession of a valid state license shall not be an issue upon registration with the Building Department but any such evidence shall be referred to the state licensing authority and may provide good cause for the State to revoke or to refuse renewal of such license and may thereby prohibit renewal of local registration. (Ord. 2013-35. Passed 4-16-13; Ord. 2016-37. Passed 5-3-16.)

#### 1317.06 REVOCATION AND SUSPENSION.

(a) A certificate of registration may be revoked or may be suspended by order of the Building Commissioner, subject to the review of the Building and Zoning Board of Appeals, upon good cause shown, as when it is determined that the holder thereof:

- (1) Has not performed the duties required of him or has otherwise violated any law set forth in the Ordinances of North Olmsted, the Ohio Building Code or by the rules and regulations of the Ohio Board of Building Standards;
- (2) Has been lax, incompetent, negligent or derelict in the prescribed performance or in the performance of work or furnishing of services authorized by such certificate;
- (3) Has knowingly engaged in construction work without first being issued a certificate of registration pursuant to this chapter;
- (4) Has knowingly engaged in construction work without first obtaining a building permit or without calling for inspection thereof;
- (5) Has constructed faulty or defective work or in an unworkmanlike manner, as determined by inspection reports;
- (6) Has failed to substantially complete work or has failed to deliver projects within reasonable time schedule;
- (7) Has misrepresented material facts in the registration application;

- (8) Has failed to maintain compliance bonds and all insurance required by Section 1317.04(e);
- (9) Has failed to register with, maintain certification of or comply with income tax withholding requirements imposed by Section 1317.04(e)(5) or RITA; or
- (10) Has failed to renew the registration certificate issued pursuant to this chapter or is no longer in possession of a valid license issued pursuant to Ohio R.C. 1317.05.

(b) The Building Commissioner shall issue written notification to the certificate holder of any action to revoke or suspend the registration certificate. Not later than thirty days after the date of such notice, the holder of a certificate may appeal and request a public hearing by the Building and Zoning Board of Appeals, which shall be held at its next regularly scheduled meeting. The holder of a suspended or revoked certificate shall not do any work authorized by such certificate, except work necessary to correct any violation of the Building Code specified in the notice of suspension or revocation, subject to specific inspection requirements, until notice of reinstatement has been given by the Board or the period of suspension has expired and the contractor has satisfied all of the requirements for reinstatement.

(c) The period of time for suspension shall be determined by the Building Commissioner, and in the event of an appeal, subject to the review of the Building and Zoning Board of Appeals, based upon the following factors:

- (1) The underlying circumstances which gave cause for the sanction;
- (2) The holder's subsequent compliance with the Building Code or lack thereof; and
- (3) The frequency of building permits issued for work to be performed by the holder so that the remedial action is related to the average number of permits issued to the holder per month.

(d) The determination of the length of time for suspension shall be within the sound discretion of the Building Commissioner, reasonably exercised and calculated to take remedial action and protect the public interest. No set formula is established but the Building Commissioner is authorized to impose a suspension based upon the above factors. (Ord. 2013-35. Passed 4-16-13; Ord. 2016-37. Passed 5-3-16.)

#### 1317.07 FEES.

(a) Fees for certificates of registration, and renewals thereof shall be paid at the office of the Building Commissioner, as follows:

- (1) For registration, \$150.00 upon original issue and \$75.00 upon annual renewal;
- (2) For any renewals not timely under Section 1317.08(a), inasmuch as the certificate will have expired, the renewal fee shall be equal to the original issuance fee imposed hereinabove.

(b) Fees shall be payable upon filing of the application for a certificate and again annually upon renewal thereof. (Ord. 2013-35. Passed 4-16-13.)

**1317.08 EXPIRATION AND RENEWAL OF REGISTRATION.**

(a) Certificates of registration shall expire one year from the date of issuance and may be renewed during the thirty-day period immediately preceding or following the expiration date upon payment of the prescribed renewal fee, provided that no certificate, which has been revoked or is under suspension, shall be renewed and no certificate shall be renewed when there are uncorrected violations of the Building Code charged on the records to the holder of such certificate.

(b) Renewal applications shall be upon a form designated by the Building Commissioner and shall, as a condition of renewal, require the applicant to present current or updated documentation required by Section 1317.04(e).  
(Ord. 2013-35. Passed 4-16-13.)

**1317.09 FIRMS OR CORPORATIONS INSTALLING WORK.**

(a) No firm or corporation shall do any work or otherwise engage in the business of a construction contractor, or act in any capacity for which a license or registration is required by this Building Code unless at least one responsible member, officer or employee of such firm or corporation has been issued a certificate by this Municipality to make such installations. All work performed by such firm or corporation shall be under direct supervision of the person so authorized. Revocation or suspension of the certificate of registration of such person shall revoke or suspend, respectively, the right of such firm or corporation to perform or engage in the business authorized by such certificate. Nothing herein shall be construed to preclude or prohibit a corporation or firm from doing business, following the revocation or suspension of its registered representative, so long as another individual person employed by said company obtains or maintains a valid certificate and provides direct supervision of all work in lieu of the corporate personnel under sanction.

(b) No person, firm, corporation or contractor shall knowingly subcontract to any second party when that party does not possess a current certification of registration or local license. (Ord. 2013-35. Passed 4-16-13.)

**1317.99 PENALTY.**

(a) In addition to any other civil or criminal penalties, any person, firm, corporation or contractor who engages in the work or trade of a contractor without first acquiring a certificate of registration, or otherwise violates Section 1317.05 and 1317.09, shall be subject to one or more of the following penalties:

- (1) A monetary penalty of twice the annual certification fee and, after Notice to Stop Work is issued, a per diem monetary penalty of the same amount; and
- (2) The Building Commissioner shall order compliance with any and all violations of this Building Code charged on the records to the holder of such suspended or revoked certificate or collect from the applicant, as a penalty for violation, the reasonable costs of correcting such violations, together with interest from the date of violation; and
- (3) In addition to penalties upon the subcontractor in violation, any general contractor in violation of Section 1317.09(b), shall be fined twice the annual certification fee for each violation, and, match the fine levied upon the subcontractor, whether or not said subcontractor pays said fine.

(b) In addition to any other civil or criminal penalties, any person whose certificate has been suspended or revoked pursuant to Section 1317.06 shall be subject to the following penalties:

- (1) No building permits may be issued during such suspension or revocation period and, upon application for reinstatement and payment of the fees attendant thereto, a monetary penalty shall be imposed in an amount equal to twice the annual renewal fees that would otherwise have been paid from the date of the suspension; and
- (2) The Building Commissioner shall order compliance with any and all violations of this Building Code charged on the records to the holder of such suspended or revoked certificate or collect from the applicant, as a penalty for violation, the reasonable costs of correcting such violations, together with interest from the date of violation.

(c) Any violation of Section 1317.05 or Section 1317.09 shall constitute a misdemeanor of the first degree. (Ord. 2013-35. Passed 4-16-13.)

(EDITOR'S NOTE: See Section 1301.99 for general Building Code penalty.)



CHAPTER 1319  
Licensing of Rental Units

1319.01	Definitions.	1319.07	Cancellation of license; notification.
1319.02	Purpose.	1319.08	Appeals.
1319.03	License required; fee.	1319.09	Maintenance requirements.
1319.04	Application for license.	1319.10	Conflict.
1319.05	Inspections.	1319.99	Penalty.
1319.06	Suspension of license.		

1319.01 DEFINITIONS.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- (a) "Rental Unit" means any dwelling unit where either money or other valuable consideration is paid for the occupancy of the dwelling unit by one or more nontransients. Rental units do not include hotels, nursing homes, group homes or assisted living centers.
- (b) "Dwelling Unit" means a group of rooms arranged, maintained or designed to be occupied by one or more nontransients that consists of a bathroom with a toilet and tub or shower facilities; kitchen facilities; and sleeping facilities which are used exclusively by the occupants. A dwelling unit may be located in a single family residence, two or three family residence, condominium or multi-family building.
- (c) "Nontransient" means a person who resides in the same building or quarters for a period of thirty days or more. (Ord. 2015-59. Passed 9-1-15.)

1319.02 PURPOSE.

The purpose of this Chapter is to ensure that the residential rental structures and multiple-family units located within the city comply with minimum maintenance standards for the public health, safety and welfare. This Chapter applies to the rental of one- and two-family dwelling units, and multiple-family dwelling units/apartments located within the city. Where a property owner co-occupies a one-family dwelling unit with a non-transient renter, the provisions of this Chapter do not apply. (Ord. 2015-59. Passed 9-1-15.)

**1319.03 LICENSE REQUIRED; FEE.**

(a) No person shall rent, lease, offer for rent or lease, or occupy any rental unit without a license from the Division of Building. Rental licenses are not transferable between landlords or rental units. A license shall be issued by the Division of Building if the applicant meets the following requirements:

- (1) An application form is submitted pursuant to the provisions of 1319.04.
- (2) All license fees are paid.

(b) No rental license shall be issued until all of the following fees and debts to the city have been paid in full:

- (1) All charges against the property for mowing, cleanup, weed or debris removal, or any similar charges by the city;
- (2) Any fees, fines, or penalties, of any sort arising from provisions of the property maintenance codes.

(c) A license is valid for a period of one (1) year from the date of issuance unless suspended or revoked for cause by the city. Licensees must apply for license renewal sixty (60) days prior to the expiration date of the license. Sale of the subject property results in immediate termination of any license. Failure to obtain or timely renew a license is a violation of this Chapter.

(d) License fees for rental units are established in Chapter 1321 Permit and Inspection Fees. A license fee, once tendered, may not be refunded or transferred.  
(Ord. 2015-59. Passed 9-1-15.)

**1319.04 APPLICATION FOR LICENSE.**

Application forms will be available in the Division of Building and shall include at least the following information and any other information that may be requested:

- (a) The name, address and telephone number of the owner of the property;
  - (b) If the owner is a limited partnership, corporation or limited liability company, the name, address and phone number of the statutory agent of such entity;
  - (c) If the owner is a general partnership, the name address and phone number of the general partner to receive notices relating to the rental unit(s);
  - (d) The address of the property and the number of rental units located at the property;
  - (e) The name, address and telephone number of any agent or manager of the property;
  - (f) A description of the rental units including the type and number of rooms as well as the square footage of each room;
  - (g) The name of each person residing in each rental unit as of the date of application;
  - (h) The signature and name of the person submitting the application; and
  - (i) The date the application is executed.
- (Ord. 2015-59. Passed 9-1-15.)

#### 1319.05 INSPECTIONS.

The Building Commissioner or his agent, is hereby authorized to make, or cause to be made, inspections of all structures or premises containing rental units to determine whether such structures or premises comply with City Ordinances, the Fire Prevention Code, and State laws. The Commissioner shall notify the owner of any rental unit that is to be inspected, or his agent, that arrangements must be made with the Division of Building for an inspection appointment within ten (10) days of such notice. The owner or agent, upon consent, shall cause the entire structure to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner or agent, or an occupant, refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Commissioner or his or her agent shall not make such inspection without first obtaining a search warrant. No license shall be issued or renewed if any violation of City Ordinances, the Fire Prevention Code or State law exists.

(Ord. 2015-59. Passed 9-1-15.)

#### 1319.06 SUSPENSION OF LICENSE.

The Building Commissioner may suspend the license required in Section 1319.03, upon finding or being advised by the Fire Chief or Police Chief that such premises are in violation of any provision of this chapter or any other ordinance or resolution of the City.

(Ord. 2015-59. Passed 9-1-15.)

#### 1319.07 CANCELLATION OF LICENSE; NOTIFICATION.

(a) The Building Commissioner may cancel any license issued hereunder and withdraw a certificate of occupancy for any rental unit when a violation of a State law, the Fire Prevention Code, or City ordinance has been found to exist on the premises in excess of thirty days after notice has been sent to the owner of such rental unit. Notification for the purpose of this section shall be by certified or registered mail to the owner at the address shown on the application required by Section 1319.04 or, if no application has been filed, by the Cuyahoga County tax duplicate records.

(b) Notwithstanding the requirement of notice provided herein, when in the opinion of the Building Commissioner the condition of the structure or premises, or a part thereof, constitutes an immediate hazard to human life or health, or when a prior violation notice has been sent to the owner or agent for the same or similar violation, then no such notice of violation need be given to the owner or agent of the structure containing a rental unit.

(Ord. 2015-59. Passed 9-1-15.)

#### 1319.08 APPEALS.

In case the Building Commissioner refuses to issue a license or cancels or suspends a license, the applicant may appeal from such order to the Building and Zoning Board of Appeals. The procedure for such appeal shall be consistent with Chapter 1315 of the North Olmsted Codified Ordinances.

(Ord. 2015-59. Passed 9-1-15; Ord. 2016-37. Passed 5-3-16.)

#### 1319.09 MAINTENANCE REQUIREMENTS.

All structures and premises containing rental units and all parts thereof, both exterior and interior, shall be maintained by the owner or owner's agent in good repair and shall be capable of performing the function for which such structures or part of any feature thereof was designed or intended to be used. Standards for exterior and interior maintenance are described in Chapters 1363 and 1364, respectively.

(Ord. 2015-59. Passed 9-1-15.)

**1319.10 CONFLICT.**

In the event of conflict between any provisions of this chapter, including any rules and regulations adopted pursuant to this chapter, and any provisions of the ordinances of the City, including any rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail.

(Ord. 2015-59. Passed 9-1-15.)

**1319.99 PENALTY.**

(a) Any person, firm or corporation or agent thereof who violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for the first offense. For each subsequent offense, such person is guilty of a misdemeanor of the first degree. Each day's violation shall be deemed a separate offense.

(b) The imposition of any penalty 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; or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations.

(Ord. 2015-59. Passed 9-1-15.)

NOTE: The next printed page is page 35.

**CHAPTER 1321**  
**Permit and Inspection Fees**

1321.01	General building permit fees.	1321.04	Electrical permit fees.
1321.02	Heating, ventilating, air conditioning and refrigeration permit fees.	1321.05	Plan examination fees.
1321.03	Plumbing and sewer permit	1321.06	Permit conditions and special fees.

**CROSS REFERENCES**

Storm sewer connection fee - see S.U.& P.S. 911.10  
 Power to license contractors - see Ohio R.C. 715.27  
 Private sewage disposal system permit fee - see S.U.& P.S. 911.06  
 Building sewer permit fee - see S.U.& P.S. 911.07  
 Registration and licensing of contractors - see BLDG. Ch. 1317

**1321.01 GENERAL BUILDING PERMIT FEES.**

The following fee schedule shall prevail for all building permits required and issued by the Building Commissioner:

(a)	Residential Buildings: New Construction			
	(1)	One-family house		
		A.	Initial fee	\$ 200.00
		B.	Plus for each 100 square feet of the area of the building, including the uppermost stories of usable area	15.00
	(2)	Two- and three-family house		
		A.	Initial fee	250.00
		B.	Plus for each 100 square feet of the area of the building, including the uppermost stories of usable area	15.00

(b)	Residential Buildings; Additions and Alterations		
	(1)	Initial fee plus the higher of the following	100.00
	(2)	Plus per 100 square feet of floor area	15.00
(c)	Residential Buildings; Accessory Detached Garages and Accessory Structures		
	(1)	Initial fee	60.00
	(2)	Plus per additional 100 square feet floor area over 200 square feet	15.00
(d)	Replacement of Roofing and Siding, Windows		
	(1)	Residential	60.00
	(2)	Commercial, Initial fee	100.00
		A. Plus per additional 100 square feet of area over 2,000 square feet	5.00
(e)	Concrete and Asphalt		
	(1)	Residential (patios, walkways and driveways)	65.00
	(2)	Commercial (parking lots, walkways, etc.), Initial fee	100.00
		A. Plus per additional 100 square feet of area over 5,000 square feet	1.00
(f)	Commercial Building; New Construction		
	(1)	Initial Fee, plus the higher of the following	950.00
	(2)	Plus per 100 sq. ft. of floor area	20.00

(g)	Commercial Building; Appurtenances, Additions and Alterations		
	(1)	Initial Fee, plus the higher of the following	200.00
	(2)	Per 100 sq. ft. of floor area, or	20.00
(h)	Temporary structures including temporary tent and fabric structures		
	(1)	Initial fee	100.00
	(2)	Plus per additional 100 square feet of area over 2,000 square feet	10.00
(i)	Demolition of Buildings or Structures		
	(1)	One and two-family houses (including related accessory structures)	125.00
	(2)	Residential accessory structures	30.00
	(3)	All other structures	250.00
(j)	Moving of Buildings or Structures		
	(1)	On or across public thoroughfare	900.00
	(2)	From one lot to another without moving on a public thoroughfare	250.00
(k)	Signage		
	(1)	Base fee, plus	85.00
	(2)	Per 50 square feet of sign face area or fraction thereof	25.00
(l)	Fences		
	(1)	Residential	60.00
	(2)	Commercial	100.00
		A. Plus for each additional 20 feet after the first 300 feet	5.00
(m)	Swimming Pool or Other Artificially Created Body of Water		85.00
(n)	Modular or Industrialized Units		250.00
(o)	Commercial Compactor		65.00
(p)	Free Standing Fireplace or Heating Unit		50.00

(q)	Fire Sprinkler System		
	(1)	Initial fee	75.00
	(2)	Plus per each additional sprinkler head over 20, stand pipe, house cabinet, or other sprinkler device	2.00
(r)	Chemical Suppression System		60.00
(s)	Domestic/fire line		60.00
	(1)	Initial fee	100.00
	(2)	Plus per each 100 linear feet of line	15.00
(t)	Gas Piping		
	(1)	Initial fee	40.00
	(2)	Plus per outlet	10.00

(Ord. 2017-19. Passed 2-21-17.)

**1321.02 HEATING, VENTILATING, AIR CONDITIONING, AND REFRIGERATION PERMIT FEES.**

The following fee schedule shall prevail for all heating, ventilating, air conditioning, and refrigeration work to be performed.

(a)	All new or replacement residential HVAC systems		
	(1)	Residential heating or cooling system	60.00
	(2)	Combination heating and cooling system	80.00
(b)	For the installation of each overhead unit heater and each space heater (gas, electric heaters or any fuel) including duct heaters		
	(1)	Up to and including 75,000 BTU input	75.00
	(2)	Replacement of all or part of baseboard heating	65.00
(c)	All new or replacement commercial HVAC systems		
	(1)	Commercial heating or cooling unit	75.00
	(2)	Combination heating and cooling system, including package and rooftop units	125.00
	(3)	Chiller, VAV, VVT, terminal and other misc. units, each	25.00
(d)	Ductwork only		
	(1)	Residential	50.00
	(2)	Commercial	120.00

(e)	Refrigeration for storage or processing of food and beverage coolers, per unit	40.00
(f)	Make-up air unit, per unit	50.00
(g)	Gas infrared units	35.00
(h)	New exhaust system for kitchen and cooking space, including duct, hood and filters, each	75.00
(i)	Exhaust fans, each	
	(1) Residential	30.00
	(2) Commercial	40.00

(Ord. 2017-19. Passed 2-21-17.)

#### 1321.03 PLUMBING AND SEWER PERMIT FEES.

The following fee schedule shall prevail for all plumbing and sewer work to be performed.

(a)	This base fee for any plumbing or sewer permit on a new construction and/or addition, alterations, to which shall be added the following charges for each unit installed or altered:	
	(1) Residential	50.00
	(2) Commercial	75.00
(b)	Each fixture trap	4.00
(c)	Sump Pump or Ejector	5.00
(d)	Water Heater or Storage Tank	10.00
(e)	Each 100 Lineal Feet or Fraction thereof Building Drain or Sewer	10.00
(f)	Oil Separator	12.00
(g)	Sewage Ejector	12.00
(h)	Lawn Sprinkler System	30.00
(i)	Catch Basin	8.00
(j)	Interceptor (grease) 1,000 gallons	60.00
(k)	Grease Trap	30.00
(l)	Air Admittance Valve, each	10.00

(Ord. 2017-19. Passed 2-21-17.)

## 1321.04 ELECTRICAL PERMIT FEES.

The following fee schedule shall prevail for all electrical work to be performed:

(a)	Residential, new construction, additions, or alterations		
	(1)	Base fee, plus:	50.00
	(2)	Per outlet and switches	2.00
	(3)	Outlets over 200 volts, panels, disconnects, and meter bases, each	10.00
	(4)	Power outlets: transformers, generators, batteries (prime and second), rectifiers, electrostatic filters and motors, including controls, distribution and connections thereto, each:	
		Up to 1 HP	12.00
		Over 1 HP, up to 15 HP	25.00
		Over 15 HP	35.00
(b)	Commercial or industrial, new construction or addition		
	(1)	Base fee, plus:	75.00
	(2)	Per outlet and switches	2.50
	(3)	Parking lot light fixtures (per pole)	50.00
	(4)	Outlets over 200 volts, panels, disconnects, and meter bases, each	15.00
	(5)	Power outlets: transformers, generators, batteries (prime and second), rectifiers, electrostatic filters and motors, including controls, distribution and connections thereto, each:	
		Up to 1 HP	12.00
		Over 1 HP, up to 15 HP	25.00
		Over 15 HP	35.00
	(6)	X-ray machine and equipment, each	45.00
	(7)	Fire alarm control panel, initiating, and annunciating device, each	2.50

(Ord. 2017-19. Passed 2-21-17.)

### 1321.05 PLANS EXAMINATION FEES.

For work requiring the examination of plans, the following fee schedule shall prevail. Plan review fees under paragraphs (a), (b), (e), (f) and (g) below shall be paid at the time of building permit applications.

(a)	Single family residential; new construction, additions and alterations, accessory structures		
	(1)	Base fee	90.00
	(2)	Plus per 100 sq. ft. of area over 500 sq. ft.	20.00
(b)	Multiple family residential, commercial and industrial; new construction, additions and alterations; temporary structures over 2,000 square feet including temporary tent and fabric structures		
	(1)	Base fee	150.00
	(2)	Plus per 100 square feet	5.00
(c)	Review of plans not approved per occurrence		plus 50%
(d)	Review of shop drawings (fire alarm, sprinklers, kitchen exhaust hoods, etc.)		120.00
	(1)	Plus per 100 square feet for first 10,000 square feet	4.00
	(2)	Plus per 100 square feet for area over 10,000 square feet	2.00
(e)	Review of changes submitted after plans are approved (commercial)		
	(1)	Base fee	150.00
	(2)	Plus per 100 square feet of area affected by the change	5.00
(f)	Phased Approvals. The initial submittal is subject to all plan examination fees noted above plus an additional fee for each following submittal		150.00

(Ord. 2017-19. Passed 2-21-17.)

### 1321.06 PERMIT CONDITIONS AND SPECIAL FEES.

(a)	Surcharges as required by the State of Ohio will be assessed on all building, HVAC, plumbing and electrical permits as follows:		
	(1)	All commercial permits governed by the Ohio Building Code	3%
	(2)	All residential permits governed by the Residential Code of Ohio	1%

(b)	Permits issued under this fee schedule shall expire as follows:		
	(1)	Building Permits: 12 months, provided that work has begun within 6 months of issuance; permits expires if work has not begun within 6 months	
	(2)	Mechanical Permits: 12 months, provided work has begun within 6 months of issuance; permit expires if work has not begun within 6 months.	
(c)	Reinspection		50.00
(d)	Advisory inspection		50.00
(e)	Certificate of Occupancy for existing buildings where no permit is required		
	(1)	Base fee	150.00
	(2)	Plus per 100 sq. ft.	1.00
(f)	Certificate of Zoning Compliance for existing buildings where no building permit is required		75.00
(g)	Copies of contracts may be required by the Building Official to substantiate costs and establish who is responsible for different phases of the project.		
(h)	Penalty for working without a permit		Double fee
(i)	Penalty for working without registration		Double fee
(j)	Copies of Documents		
	(1)	8.5 x 11 and 8.5 x 14 pages	0.15/sheet
	(2)	11 x 17 pages	0.25/sheet
	(3)	24 x 36 pages	1.00/sheet

(k)	Rental Unit Lease		
	(1)	One family dwelling	60.00
	(2)	Two family dwelling	80.00
	(3)	Three family dwelling	100.00
	(4)	Apartments	
		A.	Base fee, plus 100.00
		B.	Each dwelling unit 20.00
	(5)	Failure to pay rental fee by due date	Double fee

(Ord. 2017-19. Passed 2-21-17.)



## TITLE SEVEN - Local Provisions

- Chap. 1331. Dangerous or Unsafe Buildings. (Repealed)
- Chap. 1333. Building Removal.
- Chap. 1334. Moving Buildings.
- Chap. 1337. Ditch Drain Pipes.
- Chap. 1339. Sump Pump Covers.
- Chap. 1341. Dropping Materials on Streets.
- Chap. 1343. Removal of Soil.
- Chap. 1345. Swimming Pools and Water Features.
- Chap. 1347. Board Review of Property Value Impairment.
- Chap. 1349. Garbage Incinerators.
- Chap. 1351. Property Numbers. (Repealed)
- Chap. 1353. Grading and Surface Water Drainage.
- Chap. 1355. Air Conditioning and Air Handling Equipment.
- Chap. 1359. Maintenance of Unoccupied Commercial Establishments.
- Chap. 1361. Flood Damage Reduction.
- Chap. 1363. Exterior Property Maintenance Code.
- Chap. 1364. Interior Maintenance Code.
- Chap. 1365. Disposal of Building Materials
- Chap. 1367. Satellite Dish Receiving Stations.
- Chap. 1369. Fences and Screen Walls.
- Chap. 1371. Charges for Emergency Municipal Services.
- Chap. 1373. Building, Zoning, Property Maintenance and Other Nuisance Activities.

CHAPTER 1331  
Dangerous or Unsafe Buildings

EDITOR'S NOTE: Former Chapter 1331 was repealed by Ordinance 2012-37, passed May 15, 2012.

(EDITOR'S NOTE: The next printed page is page 53.)



CHAPTER 1333  
Building Removal

1333.01 Removal of debris and material. 1333.99 Penalty.

CROSS REFERENCES

Barricades and warning lights - see GEN. OFF. 521.03  
 Fee for demolition or moving buildings - see BLDG. 1321.01  
 Unsafe buildings may be torn down - see BLDG. Ch. 1331  
 Removal of soil - see BLDG. Ch. 1343  
 Fire Damage Removal Fund - see FIRE PREV. 1701.14

1333.01 REMOVAL OF DEBRIS AND MATERIAL.

(a) Whenever a building in the City is torn down or removed, all rubbish or debris, including any goods, merchandise, commodities, products or materials of any kind which may have been stored within such building, which would prove a nuisance or a fire hazard if allowed to remain on the premises, must be cleaned away.

(b) In addition, where at the time of demolition of the building, there is no approved plan or permit to replace the building with another building or other site improvements, any improved parking surface associated with the building shall be removed, and the ground shall be graded and seeded with grass in accordance with the requirements of the City Engineer. Thereafter, the site shall be maintained in such condition in accordance with the provisions of Chapter 1363 (Real Property Maintenance Code) of the Codified Ordinances, until such a plan is approved or a building permit issued by the City. Where demolition of a building is performed as part of such an approved plan or in conjunction with the issuance of such a building permit, then the existing parking surface need not be removed or the property regraded and seeded separate and apart from any specific requirements of the approved plan or permit, so long as construction pursuant to the approved plan or permit is commenced within sixty days following demolition, and further so long as the site is properly fenced during the interim.

(c) The provisions of paragraph (b) above shall apply retroactively to all properties within the City of North Olmsted where buildings have been demolished, and not replaced thereafter by other buildings or other site improvements pursuant to an approved plan or permit. (Ord. 2008-135. Passed 11-18-08.)

1333.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense.

CHAPTER 1334  
Moving Buildings

1334.01	Definitions.	1334.07	Permittee's duties.
1334.02	Permit required.	1334.08	Enforcement.
1334.03	Permit application; fee.	1334.09	Conformity to building and lot size requirements.
1334.04	Deposit for expense to City.	1334.10	Landmarks; fee, deposit and expenses reimbursement waiver.
1334.05	Indemnification deposit; bond; insurance.	1334.99	Penalty.
1334.06	Building Commissioner's duties.		

CROSS REFERENCES

Commercial and heavy vehicle - see TRAF. Ch 339  
Fees for moving buildings - see BLDG. 1321.01  
Building removal - see BLDG. Ch. 1333

1334.01 DEFINITIONS.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Building" means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial assembly, educational or recreational purposes. A structure eight feet by ten feet or less shall not fall within this definition.
  - (b) "Building Commissioner" means the Building Commissioner of the City.
  - (c) "Person" means a person, firm, partnership, association, corporation, company or organization of any kind.
- (Ord. 65-221. Passed 10-19-65.)

1334.02 PERMIT REQUIRED.

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the Building Commissioner.  
(Ord. 65-221. Passed 10-19-65.)

**1334.03 PERMIT APPLICATION; FEE.**

A person seeking issuance of a permit hereunder shall file an application for such permit with the Building Commissioner.

- (a) Form. The application shall be made in writing, upon forms provided by the Building Commissioner, and shall be filed in the office of the Building Commissioner.
- (b) Contents. The application shall set forth:
  - (1) A description of the building proposed to be moved, giving street number, construction material, dimensions, number of rooms, and condition of exterior and interior;
  - (2) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;
  - (3) A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the City;
  - (4) The portion of the lot to be occupied by the building when moved;
  - (5) The highways, streets and alleys over, along or across which the building is proposed to be moved;
  - (6) Proposed moving date and hours;
  - (7) Any additional information which the Building Commissioner shall find necessary to a fair determination of whether a permit should be issued.
- (c) Accompanying Papers.
  - (1) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any City charges against the same are paid in full.
  - (2) Certificate of ownership or entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he is entitled to move the building.
- (d) Fee. The application shall be accompanied by a permit fee as provided in Section 1321.01. (Ord. 65-221. Passed 10-19-65.)

**1334.04 DEPOSIT FOR EXPENSE TO CITY.**

Upon receipt of an application, it shall be the duty of the Building Commissioner to procure from the Department of Safety, an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Building Commissioner shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expense.

(Ord. 65-221. Passed 10-19-65.)

## 1334.05 INDEMNIFICATION DEPOSIT; BOND; INSURANCE.

(a) General Deposit. An application hereunder shall be accompanied by a cash deposit in the sum of three hundred thousand dollars (\$300,000) as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the City, which may be caused by or be incidental to the removal of any building over, along or across any street in the City, and to indemnify the City against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the City.

(b) Bond in Lieu of Deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required in subsection (a) hereof, file with the Building Commissioner a bond, approved as to form by the Director of Law, executed by a bonding or surety company authorized to do business in the State of Ohio, in the amount of three hundred thousand dollars (\$300,000), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the City for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(c) Insurance Policy in Lieu of Deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required in subsection (a) hereof, file with the Building Commissioner a liability insurance policy, issued by an insurance company authorized to do business in the State of Ohio, and approved as to form by the Director of Law, in the same amount and providing the same protection as would be required for a bond hereunder. (Ord. 65-221. Passed 10-19-65.)

## 1334.06 BUILDING COMMISSIONER'S DUTIES.

(a) Inspection. The Building Commissioner shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(b) Standards for Permit Issuance. The Building Commissioner shall refuse to issue a permit if he finds that:

- (1) Any application requirement or any fee or deposit requirement has not been complied with;
- (2) The building is too large to move without endangering persons or property in the City;
- (3) The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;

- (4) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
  - (5) The applicant's equipment is unsafe and that persons and property would be endangered by its use;
  - (6) Zoning or other ordinances would be violated by the building in its new location;
  - (7) For any other reason persons or property in the City would be endangered by the moving of the building.
- (c) Fees and Deposits.
- (1) Deposit. The Building Commissioner shall deposit all fees and deposits, and all bonds or insurance policies with the Director of Finance.
  - (2) Return upon nonissuance. Upon his refusal to issue a permit, the Building Commissioner shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.
  - (3) Return upon allowance for expense. After the building has been removed, the Building Commissioner shall furnish the Safety Director with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and all material used in the making of the removal and replacement, together with a statement of all damages caused to or inflicted upon property belonging to the City. However, if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Safety Director shall authorize the Building Commissioner to return to the applicant all deposits after the Director of Finance deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.
- (d) Designating Streets for Removal. The Building Commissioner shall procure from the Safety Director a list of designated streets over which the building may be moved. The Building Commissioner shall have the list approved by the Chief of Police and shall reproduce the list upon the permit in writing. In making their determinations, the Safety Director and the Chief of Police shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on the public streets.  
(Ord. 65-221. Passed 10-19-65.)

#### 1334.07 PERMITTEE'S DUTIES.

Every permittee under this chapter shall:

- (a) Use Designated Streets. Move a building only over streets designated for such use in the written permit.
- (b) Notify of Revised Moving Time. Notify the Building Commissioner in writing of a desired change in moving date and hours as proposed in the application.

- (c) Notify of Damage. Notify the Building Commissioner in writing of any and all damage done to property belonging to the City within twenty-four hours after the damage or injury has occurred.
- (d) Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.
- (e) Street Occupancy Period. Remove the building from the City streets after four days of such occupancy, unless an extension is granted by the Safety Director.
- (f) Comply with Governing Law. Comply with the Building Code, the Zoning Ordinance and all other applicable ordinances and laws upon relocating the building in the City.
- (g) Pay Expense of Officer. Pay the expense of the traffic officer ordered by the Building Commissioner to accompany the movement of the building to protect the public from injury.
- (h) Clear Old Premises. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
- (i) Remove Service Connection. See that the sewer line is plugged with a concrete stopper, the water shut off and the meter returned to the City water office. The permittee shall notify the gas and electric service companies to remove their services.

(Ord. 65-221. Passed 10-19-65.)

#### 1334.08 ENFORCEMENT.

(a) Enforcing Officers. The Building Commissioner, the Police Division and the Safety Director shall enforce and carry out the requirements of this chapter.

(b) Permittee Liable for Expense above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts of securities, and the Director of Law shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(c) Original Premises Left Unsafe. The City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit.

(Ord. 65-221. Passed 10-19-65.)

#### 1334.09 CONFORMITY TO BUILDING AND LOT SIZE REQUIREMENTS.

(a) No permit shall be issued for the moving of any building which is to be located after having been moved, in the City, when such building fails to meet the minimum size of livable square footage set forth in Chapter 1153 of the Zoning Code.

(b) No person who seeks to move a building which does not comply with the size requirements specified in Chapter 1153 of the Zoning Code shall be permitted to meet the minimum requirements by making an addition onto such building.

(c) No permit shall be issued to any person seeking to move a building when the size and width of the lot to which the building is to be moved are not in conformity with the requirements specified in Chapter 1157 of the Zoning Code. Nothing contained in Chapter 1233 of the Zoning Code relating to nonconforming uses of land shall be deemed to apply to situations wherein a building is to be moved onto such nonconforming land.  
(Ord. 76-47. Passed 5-18-76.)

#### 1334.10 LANDMARKS; FEE, DEPOSIT AND EXPENSES REIMBURSEMENT WAIVER.

(a) The fee, deposit and expense reimbursement provisions of Sections 1334.03(d), 1334.04, and 1334.07(g) may be waived for any non-profit organization that applies for a permit to move a North Olmsted Landmark within or out of the City. For purposes of this chapter, "landmark" shall have the same definition as provided in Chapter 165 (Landmarks Commission) of the Administrative Code.

(b) In order to obtain such a waiver, a non-profit organization must certify in writing to the Building Commissioner:

- (1) That the organization qualifies for and is exempt from federal income taxation as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code; and
- (2) That, despite good faith efforts to raise sufficient funds to pay the City's permit fees and deposits, and to reimburse the City for the expenses the City will incur in providing governmental services for the moving of the Landmark, the organization has been unable to do so and further delay in moving the Landmark will jeopardize the organization's efforts to preserve the Landmark.

(c) Nothing contained in this section shall be construed as a waiver of any right to recover that the City may have under this chapter or otherwise against any such nonprofit organization, or any other person or entity, for any damage or injury caused to any highway, street or alley, sidewalk, fire hydrant or other property of the City, in the course of or incidental to the removal of any building or other structure over, along or across any street in the City.  
(Ord. 2005-63. Passed 4-19-05.)

#### 1334.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Any such violation shall constitute a separate offense on each successive day continued.



CHAPTER 1337  
Ditch Drain Pipes

1337.01 Drain pipes required.      1337.99 Penalty.

CROSS REFERENCES

Notice to remove obstructions from ditches - see Ohio R.C. 715.47,  
GEN. OFF. 521.05  
Sewage and obstructions in ditches - see S.U.& P.S. Ch. 919

1337.01 DRAIN PIPES REQUIRED.

No permit shall be issued to construct a building on any property in the City until the property owner has installed a corrugated drain pipe in the road ditch for the purpose of crossing from the street into the property and so as to permit a free flow of water along the ditch.

Such pipe shall be installed under the supervision of the Director of Public Service. (Ord. 66-120. Passed 5-4-66.)

1337.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 1339  
Sump Pump Covers

1339.01 Covers required. 1339.99 Penalty.

CROSS REFERENCES

Barricades and warning lights - see GEN. OFF. 521.03  
Sewer system regulations - see S.U.& P.S. Ch. 911

1339.01 COVERS REQUIRED.

No property owner shall occupy or use a dwelling or building wherein sump pumps are installed, unless the holes wherein such sump pumps are located shall have been provided with a proper and secure cover.

Such sump pump hole covers shall be installed under the supervision of the Building Commissioner. (Ord. 2087. Passed 2-1-55.)

1339.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

CHAPTER 1341  
Dropping Materials on Streets

1341.01	Dropping materials prohibited.	1341.03	Street cleaning deposit and fee.
1341.02	Vehicles tracking dirt, mud or building materials.	1341.99	Penalty.

CROSS REFERENCES

Street obstructions - see TRAF. 311.01  
Dropping, sifting and leaking loads - see TRAF. 339.08  
Openings and excavations - see S.U.& P.S. Ch. 901

**1341.01 DROPPING MATERIALS PROHIBITED.**

No person being the holder of a permit issued under the authority of the Building Code or in connection with the installation of any water or sewer lines, or other street improvement, shall allow or permit to remain on the improved portion of any street within the City, any dirt, mud, clay, sand or building material emanating from or destined for delivery to the premises described in such permit, or carried to or from such premises or location into the improved portion of any street by the wheels, treads, tracks or other parts of any truck, trailer or tractor, or other vehicle used in making such deliveries or improvement.  
(Ord. 1973. Passed 4-20-54.)

**1341.02 VEHICLES TRACKING DIRT, MUD OR BUILDING MATERIALS.**

No person shall allow or permit to remain on the improved portion of any street within the City any dirt, mud, clay, sand or building material carried to such street by the wheels, treads, tracks or other parts of any truck, trailer, tractor or other vehicle.  
(Ord. 62-220. Passed 12-18-62.)

**1341.03 STREET CLEANING DEPOSIT AND FEE.**

(a) Whenever a permit for a new building, or an addition to an existing building, is issued pursuant to Chapter 1321; or a deposit is made for the inspection of the improvements for a major subdivision pursuant to Section 1101.06, the applicant for such building permit or developer of such subdivision shall pay to the City Engineer a twenty-five dollar (\$25.00) fee, plus a deposit of two hundred fifty dollars (\$250.00) for every one hundred thousand dollars (\$100,000) or fraction thereof of the total estimated cost of construction except as modified hereafter. In no case shall the required deposit exceed ten thousand dollars (\$10,000). The Service Director may at his discretion, reduce the maximum deposit required to five thousand dollars (\$5,000) based on site conditions, recommendation of the City Engineer or other pertinent information. For building permits, the estimated cost of construction shall be not less than the value estimated by the Building Commissioner; and for subdivision

improvements, the estimated cost of construction shall be not less than the value estimated by the City Engineer. The street cleaning fee and deposit shall be paid to the City Engineer prior to the issuance of a building permit and, with respect to a subdivision, prior to the commencement of any subdivision improvements, including soil removal. The City Engineer, upon the Building Commissioner's recommendation, may waive the street cleaning deposit for any building permit applicant who proposes to construct an accessory structure to a one-family or two-family dwelling. Any deposit, or portion of deposit, remaining after completion of the construction or the development, and approval by the City, shall be refunded to the applicant within thirty days thereafter.

(b) Except as provided in subsection (c) hereof, upon receiving notice that a permit holder or developer, as described in subsection (a) hereof, has committed a violation of Sections 1341.01 or 1341.02 the City shall notify him in writing of the violation. The permit holder or developer shall promptly correct the violation within eight hours after receiving such notice. In the event that the violation is not corrected within that period, the City may proceed to clean the street itself and deduct the reasonable value of the street cleaning from the deposit made pursuant to subsection (a) hereof.

(c) If, in the opinion of the Service Director, a hazard to the public exists because of the amount, type or condition of material in a street, the street may be immediately cleaned by the City, and the cost of the cleaning deducted from the permit holder's or developer's deposit without prior notification to the depositor of the violation.

(d) If during the course of construction or improvements, the deductions for street cleanings made by the City reduce the deposit balance to less than twenty-five percent (25%) of the original deposit amount, the permit holder or developer who made the deposit shall make an additional deposit in order to bring the balance to not less than fifty percent (50%) of the original deposit amount. If such additional deposit is not made within three days after the depositor has been notified by the City Engineer or the Building Commissioner, the City may order all construction or improvement stopped until such time as the additional deposit is received.

- (e) As used in this section, the following terms shall have the following meanings:
- (1) "Permit holder or developer" means the permit holder or developer, and any of his employees, contractors, subcontractors, agents or materialmen.
  - (2) "Street" means the street itself and any catch basin, inlet basin, manhole or sewer pipe appurtenant to such street.

(f) Nothing contained in this section shall be construed to excuse or relieve any person or organization from criminal or civil liability arising out of a violation of any provision of Chapter 1343, or other provision of this Code. (Ord. 95-49. Passed 5-16-95.)

#### 1341.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day during which such violation continues shall constitute a separate offense. In addition to the foregoing, the Building Commissioner shall, upon his determination of a violation of Section 1341.01, suspend any permit theretofore issued to such offender and order all work to cease in connection with such permit until any and all violations of the provisions of this chapter are cured or removed.

CHAPTER 1343  
Removal of Soil

1343.01	Permit required.	1343.03	Surplus removal where building permit issued.
1343.02	Removal not to cause lower level.	1343.99	Penalty.

CROSS REFERENCES

Drainage by the City - see Ohio R.C. 715.41  
Improper drainage - see GEN. OFF. 521.05  
Levelling ground after building removal - see BLDG. 1333.01

**1343.01 PERMIT REQUIRED.**

No person owning, renting, leasing or having possession of any lots or lands in the City, shall remove, or cause or permit to be removed, from such lots or lands, any soil, earth or dirt without having first obtained a permit from the Building Commissioner to do so. (Ord. 899. Passed 7-31-51.)

**1343.02 REMOVAL NOT TO CAUSE LOWER LEVEL.**

No permit shall be issued for the removal of soil, earth or dirt from any lots or lands the removal of which shall cause the lots or lands to be below the level of the street or highway on which such lots or lands abut or below the level of adjoining property which abound such lots or lands.  
(Ord. 899. Passed 7-31-51.)

**1343.03 SURPLUS REMOVAL WHERE BUILDING PERMIT ISSUED.**

A permit for the removal of surplus soil, earth or dirt, where a permit has been taken out for the construction of a building upon any lots or lands and is actually used, shall be issued by the Building Commissioner.  
(Ord. 899. Passed 7-31-51.)

**1343.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.



CHAPTER 1345  
Swimming Pools and Water Features

1345.01	Permit required.	1345.04	Standards for public and semi-public pools.
1345.02	Fence or cover required.	1345.05	Standards for private residential pools.
1345.03	Protection when not in actual use.	1345.99	Penalty.

CROSS REFERENCES

Fence permit fee - see BLDG. 1321.01  
Swimming pool permit fee - see BLDG. 1321.01  
Accessory use - see P. & Z. 1151.04

**1345.01 PERMIT REQUIRED.**

Before proceeding with the installation, construction or excavation for a permanent swimming pool, exterior spa or hot tub, or other pool of water, a permit shall first be obtained from the Building Commissioner by the owner of the property upon which such swimming pool, exterior spa or hot tub, or other pool of water, is to be installed. For purposes of this permit requirement, "other pool of water" shall not include decorative landscape aquatic features provided that the water does not exceed 18" in depth, nor the pool of water exceed 50 square feet in area. (Ord. 2015-61. Passed 9-1-15.)

**1345.02 FENCE OR COVER REQUIRED.**

Every swimming pool, exterior spa or hot tub, or other pool of water in the City, or the premises upon which a swimming pool, exterior spa or hot tub, or other pool of water is located, shall either be enclosed by a fence or barrier, or shall be equipped with a suitable cover which can be securely fastened and locked when not in use. Such fence, barrier, or cover shall be constructed and maintained in accordance with the "Barrier Requirements" of the Swimming Pools, Spas, and Hot Tubs Appendix listed under Section 1345.05. For purposes of this fencing requirement, "other pool of water" shall not include decorative landscape aquatic features provided that the water does not exceed 18" in depth, nor the pool of water exceed 50 square feet in area. (Ord. 2015-61. Passed 9-1-15.)

**1345.03 PROTECTION WHEN NOT IN ACTUAL USE.**

The gates in such fence or the cover to such swimming pool, exterior spa or hot tub, or other pool of water, shall be securely fastened at all times, except when such installation is in actual use. (Ord. 2015-61. Passed 9-1-15.)

**1345.04 STANDARDS FOR PUBLIC AND SEMI-PUBLIC POOLS.**

Public and semi-public pools, spas, hot tubs, and spray grounds shall be constructed and maintained in accordance with the requirements of the Ohio Building Code and the Ohio Department of Health. (Ord. 2015-61. Passed 9-1-15.)

**1345.05 STANDARDS FOR PRIVATE RESIDENTIAL POOLS.**

Private residential pools, spas, and hot tubs shall be constructed and maintained in accordance with the International Residential Code, Swimming Pools Chapter and Swimming Pools, Spas, and Hot Tubs Appendix, as published by the International Code Council, using the edition upon which the current Residential Code of Ohio is based. Electrical work shall be in compliance with the National Electrical Code, NFPA 70, as referenced in the current edition of the Residential Code of Ohio. (Ord. 2015-61. Passed 9-1-15.)

**1345.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.



CHAPTER 1347  
Board Review of Property Value Impairment

- |         |   |         |                                     |
|---------|---|---------|-------------------------------------|
| 1347.01 | Detrimental structure;<br>application referral to<br>Board. | 1347.03 | Evaluation standards.               |
|         |   | 1347.04 | Decision final; powers of<br>Board. |
| 1347.02 | Public hearing; notice of<br>determination.                 |         |                                     |

CROSS REFERENCES

Building and Zoning Board of Appeals - see CHTR. Art.VII, Sec. 1

**1347.01 DETRIMENTAL STRUCTURE; APPLICATION REFERRAL TO BOARD.**

When the Building Commissioner receives an application for a permit to construct, alter or add to any structure or to move any already existing structure from one site to another, and he finds that the structure proposed to be constructed, altered, added to or moved to a new site would be of such design, material or location as to substantially impair the value of neighboring properties, fails to conform to the established pattern of development of the area or would be detrimental to the general welfare and future growth of the City, he shall, within ten days of receipt of such application, refer the same to the Building and Zoning Board of Appeals for a decision as to whether or not such permit shall be issued.

(Ord. 63-224. Passed 11-6-63; Ord. 2016-37. Passed 5-3-16.)

**1347.02 PUBLIC HEARING; NOTICE OF DETERMINATION.**

The Building and Zoning Board of Appeals shall, within thirty days after the reference of such application, hold a public meeting thereon, of which hearing at least ten days' notice shall be given by publication in a newspaper of general circulation in the City. The Building and Zoning Board of Appeals shall, not later than fifteen days after such public hearing, determine whether the permit so applied for shall be issued or rejected. Written notice of the determination by the Building and Zoning Board of Appeals shall be given by first class mail to the applicant by the Building Commissioner within five days following the decision of the Board.

(Ord. 63-224. Passed 11-6-63; Ord. 2016-37. Passed 5-3-16.)

**1347.03 EVALUATION STANDARDS.**

The Building and Zoning Board of Appeals, in deciding whether or not a permit shall be issued in such cases, shall consider:

- (a) Whether or not the structure proposed to be constructed, altered, added to, or moved from another site is of such design, material or location as to substantially impair the value of neighboring properties;
- (b) Whether or not such structure conforms to the already established pattern of development in the area;
- (c) Whether or not it is detrimental to the general welfare and future growth of the City, and
- (d) Whether the rejection of the application for a permit would unreasonably impede the normal development of the property for which the permit is sought.  
(Ord. 63-224. Passed 11-6-63; Ord. 2016-37. Passed 5-3-16.)

**1347.04 DECISION FINAL; POWERS OF BOARD.**

The decision of the Building and Zoning Board of Appeals shall be final and binding upon all persons concerned therewith, except that nothing contained herein shall be construed to limit in any way the powers vested by Charter, ordinance, resolution or statute in the Building and Zoning Board of Appeals.

(Ord. 63-224. Passed 11-6-63; Ord. 2016-37. Passed 5-3-16.)

CHAPTER 1349  
Garbage Incinerators

1349.01	Definitions.	1349.05	Specifications for incinerators.
1349.02	Garbage incinerators prohibited in multiple dwellings.	1349.06	Permit fee.
1349.03	Garbage incinerators prohibited in other than dwellings.	1349.07	Right of entry for inspection.
1349.04	Permit required.	1349.99	Penalty.

CROSS REFERENCES

Unlawful deposit of garbage - see GEN. OFF. 521.08; S.U.& P.S.  
Ch. 911  
Permit fee - see BLDG. 1321.02

1349.01 DEFINITIONS.

For the purpose of this chapter, unless the context otherwise requires:

- (a) "Garbage" means every waste or refuse animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables.
- (b) "Garbage incinerator" means a structure or apparatus within which garbage can be consumed by combustion or dehydration.
- (c) "Dwelling unit" means a single-family residence, or a flat or apartment in a multiple-residence building.  
(Ord. 65-48. Passed 3-16-65.)

1349.02 GARBAGE INCINERATORS PROHIBITED IN MULTIPLE DWELLINGS.

Garbage incinerators are hereby prohibited in all multiple dwelling buildings which are constructed after the effective date of this section.  
(Ord. 73-35. Passed 5-15-73.)

1349.03 GARBAGE INCINERATORS PROHIBITED IN OTHER THAN DWELLINGS.

Garbage incinerators are hereby prohibited in all commercial buildings which are constructed after the effective date of this section.  
(Ord. 73-35. Passed 5-15-73.)

#### 1349.04 PERMIT REQUIRED.

On and after the effective date of this chapter (Ord. 65-48, passed March 16, 1965), it shall be unlawful and an offense for any person to install a garbage incinerator without first securing a permit as hereinafter provided.  
(Ord. 65-48. Passed 3-16-65.)

#### 1349.05 SPECIFICATIONS FOR INCINERATORS.

(a) Incinerators shall be of a type tested, approved and listed, and shall be installed in accordance with the provisions of the BOCA Mechanical Code adopted under Section 1301.01 or current regulations of The East Ohio Gas Company. If activated electrically, the incinerator shall bear evidence of Underwriters' Laboratories, Inc. approval.

(b) Incinerators shall operate so as to completely consume wet or dry garbage by burning it to ash without causing noisome, offensive or noxious odors, vapors or gases, and without the discharge or emission into the atmosphere of sparks, ash or the powdered residue of the substance which has been burned.

(c) The use of any existing incinerator in or used in conjunction with any multi-family, apartment, office or commercial building shall, with the effective date of this section (Ordinance 72-92, passed June 6, 1972), comply with the standards and regulations hereinafter set forth in this chapter.

(d) At any time after the compliance date of this section (Ordinance 72-92, passed June 6, 1972) any existing incinerator may be shut down and the firing door padlocked and chained, sealed and tagged for lack of proper repairs, maintenance or operation by the recommendation of the Fire Division or the Building Commissioner.  
(Ord. 72-92. Passed 6-6-72.)

#### 1349.06 PERMIT FEE.

No garbage incinerator shall be installed without obtaining from the Building Commissioner a permit therefor. The fee for such permit shall be as provided in Chapter 1321.  
(Ord. 65-48. Passed 3-16-65.)

#### 1349.07 RIGHT OF ENTRY FOR INSPECTION.

The Building Commissioner or his duly authorized representative shall have authority to enter and inspect premises for the purpose of investigating the installation and use of garbage incinerators.  
(Ord. 65-48. Passed 3-16-65.)

#### 1349.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day in which the violation is continued shall constitute a separate offense.

CHAPTER 1351  
Property Numbers

EDITOR'S NOTE: Former Chapter 1351 was repealed by Ordinance 2012-36, passed May 15, 2012.



CHAPTER 1353  
Grading and Surface Water Drainage

EDITOR'S NOTE: Former Chapter 1353 has been recodified as Chapter 931,  
Grading and Surface Water Drainage.

(NOTE: The next printed page is page 83.)



**CHAPTER 1355**  
**Air Conditioning and Air Handling Equipment**

1355.01	Definitions.	1355.07	Sound level measurement.
1355.02	Compliance required.	1355.08	Enforcement by Building Commissioner; appeal.
1355.03	Permit required.	1355.09	Applicability.
1355.04	Screening of outside units in residential areas.	1355.99	Penalty.
1355.05	Purpose.		
1355.06	Maximum sound level.		

**CROSS REFERENCES**  
 Permit and inspection fee - see BLDG. Ch. 1321

**1355.01 DEFINITIONS.**

As used in this chapter:

- (a) "Air conditioning" or "air handling equipment" means any unit or combination of units, gas or electrically-operated, used for the cooling, heating or dehumidifying of space for human occupancy in residential or commercial buildings, but shall not include ordinary window air conditioners, window or wall fans.
- (b) "Sound" means a pulsation of air pressure capable of being heard.
- (c) "Decibel" means the unit used to express sound pressure level and sound power level.
- (d) "Sound level" means the reading in decibels taken with a sound level meter. Decibel is abbreviated "db", and the abbreviation "dba" refers to decibels measured using the A Scale on a meter.
- (e) "SRN" means sound reading number.  
 (Ord. 72-77. Passed 6-20-72.)

**1355.02 COMPLIANCE REQUIRED.**

No person, firm or corporation shall install or operate an air conditioning or air handling system without first conforming to the provisions of this chapter and to the Building, Electrical and Zoning Codes, the General Offenses Code and all applicable City ordinances.  
 (Ord. 72-77. Passed 6-20-72.)

**1355.03 PERMIT REQUIRED.**

No air conditioning or air handling equipment shall be installed unless a permit for such installation has been secured as set forth in Chapter 1321. Applications for such permits shall be made to the Building Commissioner by the owner or by his agent and shall include the plans and specifications of the proposed installation, the location of the equipment as to property lines, setback, required side and rear yards, the main building and building on adjacent property. Such applications for a permit shall also set forth the SRN that is affixed permanently to the unit or the applicant shall produce a certificate establishing that the unit will emit not more than a certain SRN, and also certify that the unit will operate in conformity to the provisions of Section 1355.05.

(Ord. 72-77. Passed 6-20-72.)

**1355.04 SCREENING OF OUTSIDE UNITS IN RESIDENTIAL AREAS.**

In residential areas, all outside units installed shall be properly screened by shrubbery or trees so as not to be visible from the front property lines. Front property lines shall be defined by the Zoning Code.

(Ord. 72-77. Passed 6-20-72.)

**1355.05 PURPOSE.**

This chapter is designed to control loud and objectionable sounds which may be produced by air conditioning and air handling equipment installed in or adjacent to a dwelling unit. Sound levels of 60 dba or less, measured as set forth in Section 1355.08, are not considered loud and objectionable within the scope of this chapter. (Ord. 72-77. Passed 6-20-72.)

**1355.06 MAXIMUM SOUND LEVEL.**

Should the sound level exceed 60 dba measured, by the requirements of Section 1355.07, with the equipment in operation, additional measurements shall be made with the equipment not operating in order to determine its contribution to the sound level above 60 dba. If the difference in levels exceed 5 db between the equipment operating and not operating, the equipment shall be considered as contributing to loud and objectionable sounds and shall be modified or controlled so that the difference shall not exceed 5 db.

(Ord. 72-77. Passed 6-20-72.)

**1355.07 SOUND LEVEL MEASUREMENT.**

(a) Sound level shall be measured on the "A" weighting network of a sound level meter meeting the requirements of ANSI Standard S1. 4-1971 of General Purpose Sound Level Meters or latest revision, (published by the United States of American Standard Institute, New York, New York), using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.

(b) Measurements shall be taken at the property line where the sound is alleged to be loud and objectionable, or at the property line nearest to the air conditioning or air handling equipment unit.

(c) A minimum of three readings shall be taken at two-minute intervals. The sound level shall be the average of these readings.

(Ord. 72-77. Passed 6-20-72.)

**1355.08 ENFORCEMENT BY BUILDING COMMISSIONER; APPEAL.**

It shall be the duty of the Building Commissioner to enforce the provisions of this chapter. Whenever the Building Commissioner rejects any application, or any plan or specification, or makes an order requiring compliance or revokes a permit, the person aggrieved may appeal to the Building and Zoning Board of Appeals.

(Ord. 72-77. Passed 6-20-72; Ord. 2016-37. Passed 5-3-16.)

**1355.09 APPLICABILITY.**

The provisions of this chapter shall apply to air conditioning and air handling systems in Single Residential Districts, but shall further apply to air conditioning and air handling systems which are in operation or which shall be in operation in a Mixed Multiple Resident District, Multiple Residence District, Local Retail Business District, General Retail Business District, House Trailer District, Limited Industry District, Mixed Use District, Class A Hi Rise Residential District, and Class B Hi Rise Business Office and Professional District, which border upon and are contiguous to a Single Residential District.

(Ord. 72-77. Passed 6-20-72.)

**1355.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 72-77. Passed 6-20-72.)



CHAPTER 1359  
Maintenance of Unoccupied Commercial Buildings

1359.01	Definitions.	1359.07	Extension of time.
1359.02	Purpose.	1359.08	Information to be provided regarding unoccupied commercial building.
1359.03	General maintenance.		
1359.04	Boarding of structures.		
1359.05	Removal of signs.	1359.09	Property maintenance bond.
1359.06	Violations; notice to correct; noncompliance; equitable remedy.	1359.99	Penalty.

CROSS REFERENCES

Dangerous or unsafe buildings - see BLDG. Ch. 1331

Board review of property value impairment - see BLDG. Ch. 1347

1359.01 DEFINITIONS.

As used in this chapter:

- (a) "Unoccupied commercial building" means any building, including the land on which it is situated, which is used or intended to be used for the retail, commercial, or business occupancy within which commercial transactions have ceased and been abandoned for a period in excess of thirty days.
- (b) "Refuse" means all putrescible and nonputrescible solid waste (except body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.
- (c) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (d) "Natural growth" shall include dead trees and limbs and other natural growths which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. "Natural growth" shall also refer to and include any and all planted materials, bushes, shrubbery, ground cover, grass areas, or lawns, and other landscaping materials, however described, and which, by reason of weed infestation, overgrowth or lack of trimming or pruning, constitute a nuisance or otherwise violate Section 1363.07(b)(1) or Section 949.03.
- (e) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (f) "Owner" means an owner of premises, including a holder of title thereto subject to contract or purchase, a trustee, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, a tenant, an agent or any other person, firm, corporation or fiduciary directly in control of premises. (Ord. 2011-5. Passed 2-1-11.)

### 1359.02 PURPOSE.

The purpose of this chapter is to establish minimum standards for the maintenance of land and buildings used for commercial purposes which have ceased business for a period of thirty days or more. (Ord. 2011-5. Passed 2-1-11.)

### 1359.03 GENERAL MAINTENANCE.

The owner of any premises on which there is a building situated which is used for commercial or business purposes, when the commercial or business functions have ceased and the building and premises have become unoccupied for a period of thirty days or more, shall keep and maintain the premises and structures thereon free of all nuisances and any hazards to the safety of pedestrians and other persons. The premises shall be kept free of refuse, garbage and natural growth, all of which shall be promptly removed and abated by the owner. It shall also be the responsibility of the owner to keep the premises in compliance with North Olmsted's Real Property Maintenance Code and free of all hazards which include, but are not limited to, accumulations of refuse, garbage and natural growth. (Ord. 2011-5. Passed 2-1-11.)

### 1359.04 BOARDING OF STRUCTURES.

If the owner of any unoccupied commercial structure deems it necessary to cover the windows, doors and/or other means of ingress to the building, the material used to accomplish that purpose shall have the exterior portion thereof coated with a protective coating to prevent rot and decay. (Ord. 2011-5. Passed 2-1-11.)

### 1359.05 REMOVAL OF SIGNS.

(a) The owner of any sign, or the owner of the premises on which it is located, shall be responsible for the removal of such sign if and when the business is abandoned. Such removal shall include the complete blocking out of all painted wall signs and supports, braces, guys, anchors and electrical service. The removal of such signs shall be carried out within thirty days after the time specified in Section 1359.03.

(b) In the case of noncompliance with subsection (a) hereof, the Building Commissioner shall notify in writing the owner of the abandoned sign and the owner of the premises on which such sign is located, or have the option to notify either one of them, ordering the removal of such sign. If this order is not complied with within fourteen days after the date of such order, the Building Commissioner shall remove such sign at the expense of the owner of the real estate.

(Ord. 2011-5. Passed 2-1-11.)

### 1359.06 VIOLATIONS; NOTICE TO CORRECT; NONCOMPLIANCE; EQUITABLE REMEDY.

The Building Commissioner and/or an inspector in the Building Department, upon finding a violation of any of the provisions of this chapter, shall issue a notice directing the owner of such a structure and/or premises to correct or abate the violation within ten days after receipt of such notice. Such service of notice shall be posted on the building and sent to the owner by certified and regular mail. Should the owner fail to comply with the notice within the time allowed, the Building Commissioner is, in addition to any penalty provided in this chapter, authorized to cause the violation to be corrected and the cost for the same to be assessed against the owner.

(Ord. 2011-5. Passed 2-1-11.)

**1359.07 EXTENSION OF TIME.**

The Building Commissioner may extend the times specified in Sections 1359.05 and 1359.06. However, no extension shall exceed a period of thirty days from the expiration of time given in the first notice.

(Ord. 2011-5. Passed 2-1-11.)

**1359.08 INFORMATION TO BE PROVIDED REGARDING UNOCCUPIED COMMERCIAL BUILDING.**

Upon receiving information that the Building Commissioner has issued a notice to correct or abate pursuant to Section 1359.06 of this chapter to the owner of an unoccupied commercial building, the Director of Planning and Development shall immediately in writing notify the owner that, within three business days, he must provide the City in writing with such information as may be required by the Building Commissioner for the proper enforcement of this chapter, as well as any other information deemed necessary for the proper administration of this Title, including the following information:

- (a) Name, address and telephone number of owner (other than property address);
- (b) Name, address and telephone number of property manager or custodian;
- (c) Name, address and telephone number of real estate agent or other representatives;
- (d) Name, address and telephone number of landscape service company;
- (e) Emergency contact information in addition to the above.

(Ord. 2011-5. Passed 2-1-11.)

**1359.09 PROPERTY MAINTENANCE BOND.**

(a) The owner shall in all cases be responsible for performing and liable for all costs associated with or expenses incurred to maintain the unoccupied building and premises following its vacancy and pursuant to the requirements of this chapter. Within three business days after receiving a notice from the Director of Planning and Development as set forth in Section 1359.08 above, the owner of any unoccupied commercial building shall guarantee such maintenance by posting a cash bond or negotiable securities in an amount determined by the Director to be necessary to secure the City's potential cost of correcting Code violations or abating unsafe, dangerous or nuisance conditions, which shall be subject to the procedure herein. In determining the appropriate amount, the Director shall consider the size of the building and premises, the age and condition of the building and premises as well as the type of building. In no event shall the bond be less than five hundred dollars (\$500.00) or more than five thousand dollars (\$5,000). The property maintenance bond shall remain at the disposal of the Director of Planning and Development, while the building remains unoccupied, to provide payment for such maintenance, abatement of any nuisance or to remedy any violation of this chapter pursuant to Section 1359.06. The ten-day notice to correct and abate as required by Section 1359.06 shall include a warning that, if the owner fails to comply, the owner's bond shall be expended to correct or abate the violation.

(b) The bond shall be filed with the Director of Finance and maintained in a special account, available for disbursement to pay costs deemed necessary to remedy violations and as requisitioned by the Director of Planning and Development. If the bond is expended to remedy any violation, the owner shall, upon notice of such deficiency, replenish the bond to its original amount. The Director of Finance shall release and refund the entire bond (or any balance remaining after deductions to remedy violations) to the owner only upon the Building Commissioner's verification of the occupancy of the building and only upon the owner's full compliance with this chapter and full satisfaction of all costs or expenses to remedy violations.

(c) The owner may appeal the Director's determination of the appropriate bond amount to the City's Building and Zoning Board of Appeals. Such appeal shall be made in a writing setting forth the reasons for the appeal and filed with the Building and Zoning Board of Appeals within fourteen days after notice of the Director's determination. (Ord. 2011-5. Passed 2-1-11; Ord. 2016-37. Passed 5-3-16.)

1359.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor for the first offense and shall be fined not less than forty-nine dollars (\$49.00) for each and every violation. The Court shall consider each and every day that a violation persists as a continuing violation and may impose an additional fine of forty-nine dollars (\$49.00) per day. Following conviction for any violation of this chapter, subsequent offenses shall be cited as a misdemeanor of the third degree, and upon conviction, the Court is hereby authorized to require compliance with this chapter and/or grant the City restitution for any and all costs or expenses incurred to remedy the violation or abate any nuisance on the property. (Ord. 2011-5. Passed 2-1-11.)

CHAPTER 1361  
Flood Damage Reduction

1361.01	General provisions.	1361.05	Appeals and variances.
1361.02	Definitions.	1361.06	Enforcement.
1361.03	Administration.		
1361.04	Use and development standards for flood hazard reduction.		

1361.01 GENERAL PROVISIONS.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of North Olmsted, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of North Olmsted has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and
- (4) Generally undertaken at the expense of the general public;
- (5) Minimize prolonged business interruptions;
- (6) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (7) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (9) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (10) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (11) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (12) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (13) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of North Olmsted as identified in Section 1361.01(f), including any additional areas of special flood hazard annexed by City of North Olmsted.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas both effective December 3, 2010.
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of North Olmsted as required by Section 1361.04(c) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City Hall at 5200 Dover Center, North Olmsted, Ohio.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of North Olmsted, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2010-130. Passed 10-19-10.)

#### 1361.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (a) Accessory Structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) Appeal. A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.
- (d) Base (100-Year) Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

- (f) Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) Enclosure Below the Lowest Floor. See "Lowest Floor."
- (h) Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) Fill. A deposit of earth material placed by artificial means.
- (k) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
- (l) Flood Hazard Boundary Map (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) Flood Insurance Risk Zones. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
  - (1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
  - (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
  - (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
  - (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
  - (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (o) Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

- (p) Flood Protection Elevation. The Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (q) Floodway. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (r) Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (s) Historic Structure. Any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
  - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (t) Hydrologic and Hydraulic Engineering Analysis. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) Letter of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- (1) Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
  - (2) Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

- (3) Conditional Letter of Map Revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) Lowest Floor. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (w) Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) Manufactured Home Park. As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (y) National Flood Insurance Program (NFIP). The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (z) New Construction. Structures for which the "start of construction" commenced on or after the initial effective date of the City of North Olmsted Flood Insurance Rate Map, September 5, 1979, and includes any subsequent improvements to such structures.
- (aa) Person. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

- (bb) Recreational Vehicle. A vehicle which is:
- (1) Built on a single chassis,
  - (2) 400 square feet or less when measured at the largest horizontal projection,
  - (3) Designed to be self-propelled or permanently towable by a light duty truck, and
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) Registered Professional Architect. A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Ohio Revised Code.
- (dd) Registered Professional Engineer. A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.
- (ee) Registered Professional Surveyor. A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.
- (ff) Special Flood Hazard Area. Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (gg) Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) Structure. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

- (jj) Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- (1) Any improvement to a structure that is considered "new construction,"
  - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (kk) Variance. A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (ll) Violation. The failure of a structure or other development to be fully compliant with these regulations.  
(Ord. 2010-130. Passed 10-19-10.)

#### 1361.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Building Commissioner is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.

- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1361.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1361.04(e).
  - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1361.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
  - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1361.04(i)(3).
  - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1361.04(i)(2).

- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1361.04(i)(1).
  - F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1361.04(c).
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
    - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1361.03(d) has been received by the Floodplain Administrator.
    - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
  - (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:
- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
  - (2) For all development activities subject to the standards of Section 1361.03(j)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Building and Zoning Board of Appeals in accordance with Section 1361.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000).
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of North Olmsted flood maps, studies and other data identified in Section 1361.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1361.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1361.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    - 1. Proposed floodway encroachments that increase the base flood elevation; and
    - 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
  - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1361.03(j)(1)A.
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of City of North Olmsted, and may be submitted at any time.
- (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of North Olmsted have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of North Olmsted Flood Insurance Rate Map accurately represent the City of North Olmsted boundaries, include within such notification a copy of a map of the City of North Olmsted suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of North Olmsted has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
  - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
  - (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:

- A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
  - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1361.05, Appeals and Variances.
  - (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(1) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims. (Ord. 2010-130. Passed 10-19-10; Ord. 2016-37. Passed 5-3-16.)

#### 1361.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1361.06 or 1361.03(k)(1):

(a) Use Regulations.

- (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of North Olmsted are allowed provided they meet the provisions of these regulations.

- (2) Prohibited Uses.
  - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
  - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
  - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
  - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
  - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (c) Subdivisions and Large Developments.
  - (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
  - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
  - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1361.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1361.04(d)(4).
- (d) Residential Structures.
  - (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1361.04(d)(1)) and construction materials resistant to flood damage (Section 1361.04(d)(2)) are satisfied.
  - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
  - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
  - A. Be used only for the parking of vehicles, building access, or storage; and
  - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1361.04(d).
- (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (e) Nonresidential Structures.
  - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1361.04(d)(1)-(3) and (5)-(8).
  - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
    - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
    - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

- C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1361.04(e)(2)A and B.
- (3) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
  - (2) They shall be constructed of flood resistant materials;
  - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
  - (4) They shall be firmly anchored to prevent flotation;
  - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
  - (6) They shall meet the opening requirements of Section 1361.04(d)(5)C.
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
  - (2) They must be fully licensed and ready for highway use, or
  - (3) They must meet all standards of Section 1361.04(d).
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
    - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
    - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
      1. Meet the requirements to submit technical data in Section 1361.03(j)(1);
      2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
  4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  5. Concurrence of the Mayor of the City of North Olmsted and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
  - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
    1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
    2. Section 1361.04(i)(1)B, items 1. and 3. to 5.
- (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of North Olmsted specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1361.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.  
(Ord. 2010-130. Passed 10-19-10.)

#### 1361.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The City of North Olmsted Building and Zoning Board of Appeals is hereby appointed to serve as the appeals board for these regulations as established by City Code.
- (2) Records of the Building and Zoning Board of Appeals shall be kept and filed in City Hall at 5200 Dover Center, North Olmsted, Ohio.

(b) Powers and Duties.

- (1) The Building and Zoning Board of Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1361.05(d) of these regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Building and Zoning Board of Appeals provided that such person shall file, within 10 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Building and Zoning Board of Appeals. Upon receipt of the notice of appeal, the Building and Zoning Board of Appeals shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Building and Zoning Board of Appeals shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Building and Zoning Board of Appeals.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

(2) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Building and Zoning Board of Appeals requires. In considering such variance applications, the Building and Zoning Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (3) Variances shall only be issued upon:
- A. A showing of good and sufficient cause.
  - B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - D. A determination that the structure or other development is protected by methods to minimize flood damages.
  - E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- Upon consideration of the above factors and the purposes of these regulations, the Building and Zoning Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.
- (4) Other Conditions for Variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1361.05(d)(2)A. to K. have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
  - C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Appeal to the Court. Those aggrieved by the decision of the Building and Zoning Board of Appeals may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.  
(Ord. 2010-130. Passed 10-19-10; Ord. 2016-37. Passed 5-3-16.)

#### 1361.06 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1361.03(i).

- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1361.06(c).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1361.03(c).

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of North Olmsted. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of North Olmsted from taking such other lawful action as is necessary to prevent or remedy any violation. The City of North Olmsted shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 2010-130. Passed 10-19-10.)



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  
Interior Maintenance Code - see BLDG. Ch. 1364

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 Building and Zoning Board of 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; Ord. 2016-37. Passed 5-3-16.)

## 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. (Ord. 2016-130. Passed 12-20-16.)

#### 1363.302.2 Discarded materials

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

Commercial property owners shall provide adequate trash receptacles for customer use to maintain the premises free of trash and rubbish. Repeated failures to maintain the premises free of discarded materials may result in the City requiring the provisions of or addition of trash receptacles. (Ord. 2017-17. Passed 3-7-17.)

#### 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, parking areas, walkways, driveways and other similar areas shall be kept in a proper state of repair and maintained free from hazardous or defective conditions such as, but not limited to:

- a. Cracks or horizontal gaps exceeding one inch;
- b. Settling, buckling, heaving or other defects causing vertical displacement exceeding one inch;
- c. Instability, structural damage, disintegration or shattering; or
- d. Pitting, scaling, spalling or deterioration of the paved surface causing a potential hazard to pedestrians. (Ord. 2018-14. Passed 2-20-18)

### 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.

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.

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.

d. Outdoor Telephone Pay Stations

All outdoor telephone pay stations, freestanding or attached to any building, shall be maintained in a good and working condition and shall be free of rust, peeling paint or broken components. Any outdoor telephone pay station that is nonfunctioning shall be removed forthwith or put into a functioning and good state of repair. This section supercedes the maintenance provisions of Section 1339.03 of the North Olmsted Codified Ordinances.

"Outdoor telephone pay station" as used herein is any outdoor telephone capable of making or receiving telephone calls for a fee, together with all of its components.

(Ord. 2016-130. Passed 12-20-16.)

### 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.)

CHAPTER 1364  
Interior Maintenance Code

1364.100	ADMINISTRATION.	1364.300	GENERAL REQUIREMENTS.
1364.101	General.	1364.301	Responsibility.
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1364.201	General.		
1364.202	General definitions.		

CROSS REFERENCES  
Exterior Property Maintenance Code - see BLDG. Ch. 1363

1364.100 ADMINISTRATION

1364.101 GENERAL

1364.101.1 Scope

This code shall constitute minimum requirements and standards for residential premises, structures, equipment, and facilities governed by the Building Code of the City of North Olmsted ("the City") 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 and operators; the occupancy conditions for existing structures and premises; and for administration, enforcement and penalties.

1364.101.2 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 interior maintenance of interior 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.

### 1364.101.3 Severability

If a section, subsection, sentence, clause or phrase of Chapter 1364 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. (Ord. 2015-63. Passed 9-1-15.)

## 1364.102 APPLICABILITY

### 1364.102.1 General

The provisions of this code shall apply to all residential structures and premises within the City, where:

- a. The structure or premises is a Rental Unit, and is inspected as provided for in Chapter 1319 or at occupant request;
- b. The property owner has requested inspection and review under Chapter 1364; or
- c. The City has obtained a search warrant to inspect the premises.

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.

### 1364.102.2 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 or owner's designated agent shall be responsible for the interior maintenance of buildings and structures.

### 1364.102.3 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.

### 1364.102.4 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.

### 1364.102.5 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. (Ord. 2015-63. Passed 9-1-15.)

### 1364.103 PROPERTY MAINTENANCE INSPECTION

#### 1364.103.1 General

The Building Department is charged with the administration and enforcement of Chapter 1364 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.

#### 1364.103.2 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."  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.104 DUTIES AND POWERS OF THE BUILDING COMMISSIONER

#### 1364.104.1 General

The Building Commissioner or designated agent shall enforce the provisions of Chapter 1364. 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.

#### 1364.104.2 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.

#### 1364.104.3 Inspections

The Building Commissioner or his agent 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.

#### 1364.104.4 Right of Entry

The Building Commissioner is authorized to enter any structure or premises within the City governed by this Chapter 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.

#### 1364.104.5 Identification

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

#### 1364.104.6 Notices and Orders

The Building Commissioner shall issue all necessary notices or orders to ensure compliance with this code.

(Ord. 2015-63. Passed 9-1-15.)

### 1364.105 VIOLATIONS

#### 1364.105.1 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 Chapter 1364, 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.

#### 1364.105.2 Notice of Violation

The Building Commissioner shall serve Notice of Violation in accordance with Section 1364.106.

#### 1364.105.3 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 1364.105.4. 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.

#### 1364.105.4 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 1364.105.1.

Upon conviction of unabated 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.

### 1364.105.5 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.  
(Ord. 2015-63. Passed 9-1-15.)

## 1364.106 NOTICE OF VIOLATION

### 1364.106.1 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.

### 1364.106.2 Form of Notice of Violation

Whenever the Building Commissioner determines that there has been a violation of Chapter 1364 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 Fiscal 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.

### 1364.106.3 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 Fiscal Officer. If the address for the owner appearing on the tax list of the Fiscal Officer 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.

#### 1364.106.4 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 1364.106.3, 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. 2015-63. Passed 9-1-15.)

### 1364.107 DANGEROUS OR UNINHABITABLE STRUCTURES OR DWELLING UNITS

#### 1364.107.1 Dangerous, Uninhabitable Structures or Dwelling Units

a. Unlawful Acts. In addition to all other penalties set forth in the Codified Ordinances of the City of North Olmsted, including Chapter 1364, it shall be unlawful for any owner or occupier of a structure or dwelling unit, to knowingly or recklessly allow a structure or dwelling unit to exist in a dangerous or uninhabitable condition. Whoever violates this section is guilty of a misdemeanor of the first degree. Each day that the dangerous or uninhabitable condition exists in or on the structure or dwelling unit shall constitute a separate offense. This section does not require the issuance of a Notice of Violation as a prerequisite to criminal prosecution.

b. Notice of Dangerous, Uninhabitable Structure or Dwelling Unit. Upon finding a dangerous, uninhabitable structure or dwelling unit, the City shall issue a Notice of Dangerous, Uninhabitable Structure or Dwelling Unit 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 a Dangerous, Uninhabitable Structure or Dwelling Unit as follows:

- i. The owner of record must vacate, repair or demolish the structure or dwelling unit in accordance with the terms of the Notice and the City's ordinances; and
- ii. The occupant must vacate such structure or dwelling unit or have it repaired in accordance with the terms of the Notice to remain in possession; and
- iii. 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 dwelling unit or have such work or act done; and
- iv. State a reasonable time, not exceeding 60 days, by which the repairs or demolition must be completed; and
- v. Set forth a description of how the structure or dwelling unit is dangerous or uninhabitable; and
- vi. 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. The City shall cause a notice to be placed at each entrance to the dangerous, uninhabitable structure or dwelling unit that states "Do Not Enter. Dangerous, Uninhabitable Structure. This Structure/Dwelling Unit has been identified as a DANGEROUS, UNINHABITABLE STRUCTURE by the Building Commissioner and Occupancy is Prohibited." This Notice is to remain on the structure until it is repaired, vacated or demolished and shall not be removed unless directed to do so by the Building Commissioner.

#### 1364.107.2 Method of Service

Method of service for any Notice of Dangerous, Uninhabitable Structure or Dwelling Unit shall comply with the provisions of Section 1364.106.3.

### 1364.107.3 Prohibited Occupancy

It shall be unlawful for any person to enter a structure determined to be a Dangerous, Uninhabitable Structure or Dwelling Unit except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same, if such structure has been properly labeled as 1364.107.1.b.vi. No person shall occupy a structure that has been designated as a Dangerous, Uninhabitable Structure or Dwelling Unit, and no owner or any person responsible for the premises shall let anyone occupy a Dangerous, Uninhabitable Structure or Dwelling Unit.

### 1364.107.4 Cost

If the City incurs costs relating to declaring a structure to be Dangerous, Uninhabitable Structure or Dwelling Unit or abating the conditions making the structure a Dangerous, Uninhabitable Structure or Dwelling Unit 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.

### 1364.107.5 Means of Appeal

Appeals shall be addressed as set forth in Section 1364.108, "Means of Appeal."  
(Ord. 2015-63. Passed 9-1-15.)

## 1364.108 MEANS OF APPEAL

### 1364.108.1 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 Building and Zoning Board of 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.

### 1364.108.2 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.

### 1364.108.3 Administrative Procedures for Appeals

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

#### 1364.108.4 Stay Pending Appeal

An appeal of any Order or Notice issued under this Chapter stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Building and Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the action shall not be stayed, except by a restraining order issued by a court of competent jurisdiction. A stay pending appeal will not bar criminal prosecution for a violation of any provision of this Code. (Ord. 2015-63. Passed 9-1-15; Ord. 2016-37. Passed 5-3-16.)

### 1364.200 DEFINITIONS

#### 1364.201 GENERAL

##### 1364.201.1 Scope

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

##### 1364.201.2 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.

##### 1364.201.3 Terms Defined in Other Codes

Where terms are not defined in this code, but are defined in the Ohio Building Code for residential structures, including multi-family residential structures, the Residential Code of Ohio 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.

##### 1364.201.4 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.

##### 1364.201.5 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." (Ord. 2015-63. Passed 9-1-15.)

### 1364.202 GENERAL DEFINITIONS

#### 1364.202.1 APPROVED

Approved by the Building Commissioner or a duly authorized representative.

### 1364.202.2 BUILDING

A structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for humans or animals or an enclosure for personal property or goods. Building may be used synonymously with structure. Building shall also include a detached structure whose purpose is related to, but subordinate to, that of the principal building on the same parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.

### 1364.202.3 BUILDING MATERIALS

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

### 1364.202.4 BUILDING COMMISSIONER

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

### 1364.202.5 DANGEROUS STRUCTURE

A dangerous structure means any of the following:

- a. An abandoned or vacant structure or dwelling unit that constitutes a hazard to the health or safety of persons who may come on or near the property on which the structure or dwelling unit is located and which is not fenced in or otherwise protected to reasonably prohibit public access thereto. This includes missing or broken windows or doors.
- b. A structure or dwelling unit that is severely damaged by fire, storm or other natural or manmade causes and which has remained in such damaged condition for a period of 3 months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- c. A structure or dwelling unit that is in a condition of being partially constructed and construction thereon has ceased for a period of 12 months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- d. Any combination of the foregoing that would constitute a hazard to the safety and welfare of any person living on property located adjacent thereto.

### 1364.202.6 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.

### 1364.202.7 INTERIOR PROPERTY

The interior property is the internal or inner part of a building.

### 1364.202.8 GARBAGE

The animal or vegetable waste resulting from the hauling, preparation, cooking and consumption of food.

### 1364.202.9 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.

**1364.202.10 OCCUPANCY**

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

**1364.202.11 OCCUPANT/OCCUPIER**

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

**1364.202.12 OPERATOR/MANAGER**

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

**1364.202.13 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.

**1364.202.14 PERSON**

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

**1364.202.15 PREMISES**

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

**1364.202.16 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, tin cans, metals, mineral matter, glass and paper waste.

**1364.202.17 SAFE**

Free from unacceptable risk or threat of harm.

**1364.202.18 SANITARY**

Characterized by or readily kept in cleanliness.

**1364.202.19 STRUCTURE**

That which is built or constructed. See also, Building.

**1364.202.20 TENANT**

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

**1364.202.21 UNFIT FOR HUMAN HABITATION**

A designation of structures, dwellings or dwelling units as so damaged, dangerous, decayed, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

**1364.202.22 UNINHABITABLE**

That which is a dangerous structure, unfit for human habitation or unsanitary.

**1364.202.23 UNSANITARY**

The presence of a condition that is conducive to the spreading of disease or illness, or is conducive to harboring insects, rodents or other pests.

**1364.202.24 WORKMANLIKE**

Executed in a skilled or professional manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.  
(Ord. 2015-63. Passed 9-1-15.)

**1364.300 GENERAL REQUIREMENTS****1364.301 RESPONSIBILITY**

The owner of the premises shall maintain the structures and 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.

All premises further shall be maintained in conformity with local and state construction codes in effect at the time of installation or construction. Repairs or additions to the interior premises shall be undertaken in compliance with then-enacted local and state codes establishing standards for installation or construction of such repairs or additions.  
(Ord. 2015-63. Passed 9-1-15.)

**1364.302 INTERIOR MAINTENANCE**

**1364.302.1 Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting all required imposed loads.

**1364.302.2 Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**1364.302.3 Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**1364.302.4 Handrails and Guards.** Every interior flight of stairs shall have handrails and guards in compliance with the Residential Code of Ohio or Ohio Building Code, as applicable. Every handrail and guard shall be firmly fastened and capable of supporting all normally required imposed loads and shall be maintained in good condition.

**1364.302.5 Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

1364.302.6 Accumulation of Rubbish or Garbage. The interior of every structure shall be free from any accumulation of rubbish or garbage. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. The owner of every rental unit shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

1364.302.7 Disposal of Personal Property upon Vacating the Premises. "Personal Property" as used herein is everything that is the subject of ownership that does not come under the denomination of real property; any right or interest that an individual has in movable things.

If a tenant or occupant has personal property on the premises at the time of an eviction or involuntary removal from a rental unit, and/or there is residual garbage on the premises, the following applies:

The owner or operator shall maintain all residual personal property within the Building until disposed of. Personal property or garbage shall be stored in the Building until removal from the Building; or

If the owner elects to utilize a large movable container or receptacle on the premises to aid in the removal and disposal of personal property from the premises, then at no time shall any part of the container be placed on any public area adjacent to the premises. The container shall be of the type which will allow access from its side as opposed to access solely through the top of the container. The movable container and its contents shall be removed from the premises within forty-eight (48) hours of placement.

1364.302.8 Blight Violation. In the event that a moveable container is not used for disposal of the tenant's or occupant's personal property as set forth in 1364.302.7 and that property is improperly placed elsewhere on the property, or the container is not properly removed, then the owner, operator or other person in violation of this Section is subject to prosecution under this Chapter.

1364.302.9 Cost Recovery. In addition to any other penalties set out in the North Olmsted Codified Ordinances, if the City incurs any costs to remove solid waste from property resulting from an eviction or foreclosure proceeding, the owner and the operator shall be billed by invoice sent by first class mail for the cost of the removal, including but not limited to: the cost of labor for removal of the solid waste and the cost of the use or rental of the container. If the owner or operator fails to pay the same within thirty (30) days after the invoice is mailed, the City shall add the amount to the next tax roll of the City of North Olmsted/County of Cuyahoga, and it shall be collected in the same manner as provided by law for the collection of taxes by the City of North Olmsted/County of Cuyahoga.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.303 EXTERMINATION

1364.303.1 Infestation. All structures shall be kept free from rodent or pest infestation. All structures in which rodents or pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.304 PLUMBING FACILITIES

1364.304.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

1364.304.2 Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

1364.304.3 Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

1364.304.4 Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the Building Commissioner or his agent shall require the defects to be corrected to eliminate the hazard.

1364.304.5 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.305 WATER SYSTEMS

1364.305.1 General. Every sink, lavatory, bathtub or shower or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Plumbing Code.

1364.305.2 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

1364.305.3 Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.306 MECHANICAL REQUIREMENTS

1364.306.1 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Ohio Building Code or Residential Code of Ohio as applicable.

1364.306.2 Room Temperature Measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

1364.306.3 Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

1364.306.4 Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

1364.306.5 Clearances. All required clearances to combustible materials shall be maintained.

1364.306.6 Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

1364.306.7 Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

1364.306.8 Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

1364.306.9 Portable Cooking Equipment. Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room or kitchen.

1364.306.10 Ducts. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.307 ELECTRICAL REQUIREMENTS

1364.307.1 Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Commissioner shall require the defects to be corrected to eliminate the hazard.

1364.307.2 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.308 ELEVATORS

1364.308.1 General. Elevators in property subject to Chapter 1319 shall be maintained and operable at all times. The most current certification of inspection shall be on display at all times within the elevator or the certificate shall be available for public inspection in the office of the building operator.

1364.308.2 Elevators. In buildings equipped with passenger elevators, all elevators shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.  
(Ord. 2015-63. Passed 9-1-15.)

### 1364.309 FIRE SAFETY REQUIREMENTS

#### 1364.309.1 Means of Egress

a. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Aisles shall be unobstructed.

b. Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except, where the door hardware conforms to that permitted by the Ohio Building Code or Residential Code of Ohio as applicable.

c. Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge, or force greater than that which is required for normal operation of the escape and rescue opening.

### 1364.309.2 Fire-resistance Ratings

a. Fire-resistance-rated Assemblies. The required fire resistance rating of fire-resistance rated walls, fire stops, fire blocking, draft stopping, shaft enclosures, partitions and floors shall be maintained.

b. Opening Protectives. Required opening protectives, including, shall be maintained in an operative condition. All fire rated, required solid core, and smoke stop doors shall be maintained in operable condition. Such doors shall not be blocked or obstructed or otherwise made inoperable. Doors serving as opening protective shall have self-closing or other approved closing operations.

### 1364.309.3 Fire Protection Systems

a. General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times

b. Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained at all of the following locations:

- i. On the ceiling outside of each separate sleeping area in the immediate vicinity of bedrooms.
- ii. On the ceiling in each room used for sleeping purposes.
- iii. On each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.  
(Ord. 2015-63. Passed 9-1-15.)

## 1364.310 CARBON MONOXIDE ALARMS

1364.310.1 When Required. Carbon monoxide alarms are required to be installed in existing dwelling units having fuel-fired appliances or having attached garages. Where an application for approval is required for work involving any of the following areas or systems within that dwelling unit, carbon monoxide alarms are required to be installed.

- a. The addition or creation of a new sleeping room;
- b. An alteration of a sleeping room;
- c. An alteration in the immediate vicinity outside of a sleeping room;
- d. An addition of, or an alteration to, an attached garage;
- e. An addition, alteration, repair or replacement of a fuel-fired appliance;
- f. As otherwise required by applicable provisions of the OBC or RCO.

1364.310.2 Alarm Requirements. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.  
(Ord. 2015-63. Passed 9-1-15.)



CHAPTER 1365  
Disposal of Building Materials

1365.01 Burying prohibited. 1365.99 Penalty; equitable remedies.

CROSS REFERENCES

Littering and deposit of junk - see GEN. OFF. 521.08  
Dropping material on streets -see BLDG. Ch.1341

1365.01 BURYING PROHIBITED.

No builder, contractor, developer or owner of property shall bury tree stumps, limbs, brush, scrap building materials, scrap pipe or other refuse which is generated through construction, reconstruction or development of land or buildings. Such substances shall be hauled away from the site and disposed of in any and all methods allowed by law.  
(Ord. 77-19. Passed 3-1-77.)

1365.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates Section 1365.01 is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Nothing contained herein shall be construed so as to limit the City from bringing an action either in equity or at law with respect to the enjoining of any activity prohibited by this chapter. Further, the City shall have as an additional remedy the right to revoke the contractor's license with respect to any contractor who violates any of the provisions of this chapter.  
(Ord. 77-19. Passed 3-1-77.)



CHAPTER 1367  
Satellite Dish Receiving Stations

1367.01	Permit required.	1367.07	Height.
1367.02	Application for permits; plans.	1367.08	Aesthetic requirements.
1367.03	Location of residential earth station dish antenna.	1367.09	Appeal from the decision of the Building Commissioner.
1367.04	Location of commercial earth station dish antenna.	1367.10	Permit fee.
1367.05	Earth station support structure.	1367.11	No permit or fee required for certain types of satellite dish antennae.
1367.06	Size.	1367.99	Penalty.

**1367.01 PERMIT REQUIRED.**

No person, firm or corporation shall erect an earth station dish antenna in the City without a permit, and no installation or erection shall commence before a permit is issued, in accordance with Section 1367.02, exempting franchised television cable companies that serve the City.

(Ord. 87-85. Passed 10-6-87.)

**1367.02 APPLICATION FOR PERMIT; PLANS.**

The Building Commissioner shall issue such permit, provided the applicant submits a written application form provided by the Building Department, along with a plot plan of the lot, premises or parcel of land showing the exact location of the proposed dish antenna and the location of all buildings on the subject lot. The applicant also shall submit a description of the dish antenna proposed, and three sets of construction plans, specifications and elevations of the proposed location with sufficient details showing the method of assembly and construction. Each set of plans shall provide the following:

- (a) Name of owner(s) and/or occupants of subject property.
- (b) Address of subject property.
- (c) Installation shall be made in accordance with plans and specifications as provided by the manufacturer.
- (d) Contractor erecting the dish antenna shall be registered as provided in accordance with Chapter 1317, as an earth station dish antenna contractor.

The Building Department shall notify, by certified mail, the adjoining property owners and any property owners directly across the right of way of the proposed dish antenna site, not less than ten days before issuing such permit. If objections are received from those people receiving the notice, the Department shall refer this proposal to the Building and Zoning Board of Appeals.

(Ord. 87-85. Passed 10-6-87; Ord. 2016-37. Passed 5-3-16.)

**1367.03 LOCATION OF RESIDENTIAL EARTH STATION DISH ANTENNA.**

(a) No earth station dish antenna shall be erected in any front yard. The centerline of the dish antenna or the base shall be at least eleven feet from any lot line, and if the earth station antenna is located in a side yard, it shall be placed at least fifteen feet behind the front building line.

(b) No earth station dish antenna shall be erected on any rooftop on any building.

(c) No earth station dish antenna shall be linked to receivers which are not located on the same lot or premises as the earth station.

(d) No more than one earth station dish antenna may be erected on any lot that is less than one-half acre in size.

(e) Location shall be approved by the Building Department.  
(Ord. 87-85. Passed 10-6-87.)

**1367.04 LOCATION OF A COMMERCIAL EARTH STATION DISH ANTENNA.**

(a) No dish antenna shall be erected in any front yard. The centerline of the earth station or the base shall be at least eleven feet from any lot line, and if the dish antenna is located in a side yard, it shall be placed at least fifteen feet behind the front building line.

(b) A roof-mounted dish antenna shall be permitted on a commercial building providing plans submitted for the installation are stamped by a professional engineer certifying that the location of the installation is in conformance with the construction of the building, that is, that the building is sufficient to hold the antenna and also that the antenna is installed in such a way as to withstand the wind velocity; or, if stamped plans are not submitted, a plan of the proposed installation, along with the plans of the roof structure, shall be submitted to the City Plan Examiner for his review at the fee that is normally charged for a plan review.

(c) No dish antenna shall be linked to receivers which are not located on the same lot or premises as the earth station.

(d) No dish antenna shall be located in any loading zone.

(e) Location shall be approved by the Building Department.  
(Ord. 87-85. Passed 10-6-87.)

**1367.05 EARTH STATION SUPPORT STRUCTURE.**

(a) Only metal support, galvanized construction, or any other material equal thereto with a minimum of schedule 40 pipe, shall be allowed in the construction of the dish antenna support structure.

(b) Only a concrete base or caisson, depending upon soil conditions, shall be used in line with grade.

(c) The structure shall be designed to withstand a wind force of up to eighty-five miles per hour.

(d) Any driving motor shall be limited to thirty-six volts maximum power design and shall be encased in protective guards.

(e) All underground electrical wiring shall be installed in accordance with the National Electrical Code. Any overhead wiring shall also meet the approval of the Electrical Inspector of the City.

(f) The dish antenna shall be bonded to an eight foot grounding rod.

(g) If guy lines are to be used, they shall be confined within the fenced area.

(h) Plans shall meet all engineering practices.  
(Ord. 87-85. Passed 10-6-87.)

#### 1367.06 SIZE.

(a) The maximum diameter of any dish antenna for residential use shall not exceed twelve feet.

(b) The maximum diameter of any roof-mounted dish antenna for commercial use shall not exceed six feet.

(c) The maximum diameter of any ground-mounted dish antenna for commercial use shall not exceed twelve feet.  
(Ord. 87-85. Passed 10-6-87.)

#### 1367.07 HEIGHT.

The maximum height of any dish antenna structure shall not exceed ten feet from the center of the dish from the natural grade level.  
(Ord. 87-85. Passed 10-6-87.)

#### 1367.08 AESTHETIC REQUIREMENTS.

(a) Fencing, landscaping or screening may be required by the Building Department for ground-mounted installation.

(b) Specific color of the dish antenna and the mount may be required as determined by the Building Department.  
(Ord. 87-85. Passed 10-6-87.)

#### 1367.09 APPEAL FROM THE DECISION OF THE BUILDING COMMISSIONER.

Appeals from the decisions of the Building Commissioner may be made to the Building and Zoning Board of Appeals.  
(Ord. 87-85. Passed 10-6-87; Ord. 2016-37. Passed 5-3-16.)

#### 1367.10 PERMIT FEE.

The permit fee for an earth station dish antenna is fifty dollars (\$50.00).  
(Ord. 87-85. Passed 10-6-87.)

1367.11 NO PERMIT OR FEE REQUIRED FOR CERTAIN TYPES OF  
SATELLITE DISH ANTENNAE.

(a) The permit application and permit fee requirements of this chapter shall not apply to the installation, erection and/or maintenance of any of the following types of satellite dish and other antennae:

- (1) Satellite dish antennae which are one meter (39.37") or less in diameter and are designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service or to receive fixed wireless signals other than via satellite; and
- (2) Satellite dish antennae or other antennae which are one meter (39.37") or less in diameter or diagonal measurement and are designed to receive video programming services via MMDS (wireless cable), including Broadband radio service providers or transmit fixed wireless signals other than via satellites; and
- (3) Satellite dish antennae or other antennae which are one meter (39.37") or less in diameter and are designed to receive television broadcast signals or stations (TVBS).

Such equipment may be installed as provided in Subsection (b) upon notification and without any prior review or delay, additional cost or fee, or other preclusive restrictions enforced by the City. Upon installation, notification shall be issued by the resident or installation professional by telephone, fax, email, standard form, or any written communication directed to the Building Commissioner. Such notification shall provide the address and general location of the equipment. Notification may be issued prior to installation but is required to be delivered within thirty (30) days thereof. The Building Commissioner shall acknowledge receipt of such notification and issue installation requirements that describe safety and security measures, as well as location restrictions.

(b) Based on the following specifically stated safety reasons, equipment under subsection (a) hereof shall not be installed in the following locations:

- (1) Upon or within a fire escapes, emergency access doorway, or otherwise in conflict with other means of ingress or egress required by Ohio Building or Fire Code, so as not interfere with access or inhibit exit;
- (2) Within ten (10') feet of any electrical or other utility line, whether underground or overhanging, in order to avoid conflict with or interruption of power or other services;
- (3) Within a historic district or upon the premises of a historic landmark unless a Certificate of Appropriateness is issued by the Landmarks Commission pursuant to Chapter 165;
- (4) Upon a mast higher than twelve feet (12'), whether measured from the ground or roofline, unless the permit application and permit fee requirements of this and any other relevant chapter of the Codified Ordinances are fully complied in order to secure the structure against wind and weather;
- (5) Within the front setback or attached to the front of a structure except where reasonably necessary to obtain an unobstructed, direct view for satellite signal reception or transmission;
- (6) Beyond the space limitations of areas allotted to the exclusive use of occupants of condominium or multiple residence structures or otherwise within the common areas in violation of private restrictions, such as hanging from a balcony.

(c) All federally regulated transmitters, including customer-end fixed wireless antennas that emit radiofrequency (RF) exposure, shall be labeled and located as required by federal law to minimize potential RF safety hazards. Such transmitting antennas are not exempt from permit application and fee requirements of this chapter and shall only be installed by licensed, registered professional in order to insure compliance with federal RF emission standards and distance regulations.

(d) Satellite dish antennae which is not operational or has been disconnected, damaged or abandoned shall either be promptly repaired, replaced, reactivated or removed, together with any attendant mast arms, fixtures, mounting elements, wiring, and siding. Such abandoned equipment is hereby declared to be a nuisance and safety hazard.  
(Ord. 2012-64. Passed 8-21-12.)

1367.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree.  
(Ord. 87-85. Passed 10-6-87.)



**CHAPTER 1369**  
**Fences And Screen Walls**

<b>1369.01</b>	<b>Definitions.</b>	<b>1369.05</b>	<b>Specifications for wood fences.</b>
<b>1369.02</b>	<b>Types of fences permitted.</b>	<b>1369.06</b>	<b>Specifications for chain link fences.</b>
<b>1369.03</b>	<b>Permit and inspection.</b>		
<b>1369.04</b>	<b>General requirements for fences and screen walls.</b>		

**CROSS REFERENCES**

Electric and barb wire fences - see GEN. OFF. 521.07  
Permit fee - see BLDG. 1321.01  
Swimming pool fences - see BLDG. 1345.02

**1369.01 DEFINITIONS.**

The following terms shall have the following definitions for purposes of this Chapter of the Building Code:

- (a) "Fence" means the installation of acceptable material at or along the property line or lines to define or enclose the property or to prevent entry to an area such as a garden or a pool area or other body of water.
- (b) "Screen wall" means an exterior wall installed to provide privacy or secure a specific point or place such as a swimming pool, a deck, patio, arbor or balcony. (Ord. 2011-93. Passed 9-20-11.)

**1369.02 TYPES OF FENCES PERMITTED.**

The following types of fences shall be permitted on property when the applicable section of the City Zoning Code authorizes construction of fences in the district of the City where the property is located:

- (a) Solid Board. A wood or vinyl fence where the boards are installed against each other so as to provide a solid wall that doesn't allow seeing through or the passage of air.
- (b) Spaced Board. A wood or vinyl fence where there is a space left between the boards so as to allow the flow of air and allow seeing through. Typically, the space is anywhere from one inch (1") up to the width of the vertical boards.
- (c) Board on Board (or Shadow Box). A fence constructed like a Solid Board fence, except that the fence boards are installed alternately from one side of the fence rails (or stringers) to the other. Boards can run either vertically or horizontally.
- (d) Louver. A fence where the boards are installed on an angle between the rails or posts to direct sunlight or air. Boards may be installed either vertically or horizontally.

- (e) Basket Weave. A fence where thin basket boards are woven alternately around small wooden members which extend through the height of the weave.
- (f) Post and Rail (or split rail). A rustic fence where split rails are inserted into slotted posts. Two and three horizontal rails are common.
- (g) Post and Board (or paddock or corral). A type of fence with horizontal boards fastened to the face of the posts, or inserting into slotted posts. Two, three and four horizontal boards are common. A variation is a "crossbuck" pattern where two boards diagonally cross each other between the top and bottom boards on a two board style.
- (h) Picket. A fence that is typically a spaced board fence four feet (4') or less in height usually with a blunted point cut at 45 degree angles, or rounded, or with a gothic point.
- (i) Stockade. A fence, usually installed as solid wood, where the cover boards or pickets are milled or sliced to half round with the top finished to a pointed or conical point.
- (j) Chain link. A fence usually made of metal consisting of loops of wire interconnected in a series of joined links
- (k) Brick or stone.
- (l) Decorative metal or wrought iron.  
(Ord. 2011-93. Passed 9-20-11.)

#### **1369.03 PERMIT AND INSPECTION.**

(a) No fence shall be constructed until a permit has been issued by the Building Department and the applicable fee is paid. The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence or wall is to be erected; the exact height, location, length, type of material, type of construction of such proposed fence or wall; the location of all buildings on the lot; and other information deemed necessary by the Building Commissioner in order to ensure that such fence or wall is constructed in compliance with this Code.

(b) Each property owner shall determine property lines prior to constructing a fence and shall ascertain that the fence thus constructed does not deviate from the plans as approved by the Building Commissioner and does not encroach upon another lot or parcel of land. The owner shall either:

- (1) Submit a copy of a survey drawing indicating the location of property lines in the area of the proposed fence; or
- (2) Locate and mark the property corners so they are visible at the time of inspection; or
- (3) Submit a signed statement from the abutting owner or owners stating that they approve of the proposed location of the fence.

(c) The City shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of such permit by the City shall not be construed to mean the City has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed on him herein.

(d) Where a fence or wall already exists along a common property line on a neighboring property, the applicant proposing a fence shall make every effort to utilize the existing fence or wall. If the existing fence or wall cannot be utilized, there shall be a minimum separation of twenty-four ( 24) inches between the two fences or walls to provide for the maintenance of the fences or walls and the ground area between the two fences or walls. The owner of the new fence or wall must have direct access to the area between the two fences or walls. If access is not available and/or the yard is totally enclosed, a hinged three (3) foot wide gate is required for access to the area between the two (2) fences or walls. The gate is to be of the same style and material as the fence or wall. There is to be no storage of any type between the fence or screen walls. (Ord. 2013-2. Passed 2-5-13.)

#### **1369.04 GENERAL REQUIREMENTS FOR FENCES AND SCREEN WALLS.**

Notwithstanding anything contained herein to the contrary and in addition to any other requirement, the following provisions shall apply:

- (a) A fence or screen wall may be constructed along or upon common property lines and across any utility easement so as to allow maximum use of the area to be enclosed. Any application for a fence or screen wall within a utility or drainage easement shall be referred to the City Engineer for review and approval prior to issuance of a permit. Fences or screen walls placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility.
- (b) A fence or screen wall shall not be located within three feet of a utility box, manhole or other apparatus that may be used for maintenance of the utility. When a fence or screen wall obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove such fence or screen wall at his expense without remuneration from the City.
- (c) Except for a fence or screen wall that is the same on both sides, such as split rail fences or board on board fences, fences or screen walls shall be erected so that no exposed posts or supporting cross-elements face the public right-of-way or any lot other than the lot on which the fence is to be constructed.
- (d) All fences and screen walls shall be erected to withstand a fifteen pound horizontal wind pressure, shall be placed perpendicular to the ground and shall be substantially and properly supported according to standard practice.
- (e) Fencing and screen walls shall not be topped with sharp points such as may readily result in bodily injury and no portion of fencing shall be of barbed wire.
- (f) Where solid fences or screen walls are erected and where a water drainage situation occurs, such problem shall be disposed of by placing adequate outlets at the bottom of the fence or screen wall to eliminate possible accumulation of stagnant water or other undesirable conditions.
- (g) Fences and screen walls shall be installed plumb and the top finish shall be uniform. Fences and screen walls shall follow the contour of the ground as far as is practical. Adjustments for grade shall occur at the bottom of the fence. Where adjustments for grade changes are severe enough to require stepping, a minimum of eight feet (8') of uniform fence run or sixteen feet (16') of uniform screen wall run shall be maintained prior to each step.
- (h) Except as approved or required by the Building Commissioner, all fences shall extend to the ground grade, or the bottom of the fence panels shall be no higher than six inches (6") above the ground grade. All screen walls shall extend to the ground grade, or the bottom of the screen wall shall be no higher than twelve inches (12") above the ground grade.
- (i) Screen walls shall be installed so that all posts and structural members are covered with a finish material to within at least twelve inches but no closer than eight inches of grade unless treated for ground contact. Materials shall be listed for exterior use and be compatible with the structure to which it is adjoined.

- (j) The height of a screen wall that is attached to the main structure shall not exceed six feet (6') above the floor, deck, balcony, or patio and must comply to all setback requirements of the main structure. The height above grade of the screen wall that is independent from the main structure or does not meet the setback requirements for main structures shall comply with regulation in the Zoning Code for a fence. (Exception: a screen wall used to provide privacy for a swimming pool that complies with the accessory use requirements and setbacks may be built to a height of six feet (6') above the floor level of an attached deck or the water surface.)  
(Ord. 2011-93. Passed 9-20-11.)

### **1369.05 SPECIFICATIONS FOR WOOD FENCES.**

The following specifications, derived from ASTM F537 and Standard Practice in the Fence Industry, shall apply to the materials and construction of wood fences:

- (a) Posts and Framing. Post spacing shall not exceed eight feet (8'). All post holes should be a minimum of thirty inches (30") deep for four feet (4') high fences and thirty-six inches (36") deep for fences higher than four feet (4') up to six feet (6'). All terminal, corner and gate posts should be set thirty-six inches (36") deep.
- (b) Post holes should be at least four inches (4") larger in diameter than the largest dimension of the post. All terminal, corner and gate posts should be set in concrete.
- (c) Fences up to five feet (5') shall have a minimum of two rails (stringers) top and bottom. Fences over five feet (5') shall have a third rail at center height. Stringers shall be 2x4 minimum (nominal).
- (d) Materials. All materials used in wood fencing should be either:
- (1) Naturally rot resistant wood (such as Cedar),
  - (2) A wood pressure treated for rot-resistance, or,
  - (3) Be coated thoroughly with paint or a protective coating immediately on erection.
- (e) Fasteners. Fasteners shall be made of a non-rusting, non-corrosive material, or coated to resist rusting. Nails shall be long enough to penetrate the receiving member twice the thickness of the thinner member but not less than one and one-half inches (1-1/2").
- (f) Cover boards shall be 1/2" minimum thickness.
- (g) Solid wood fences should allow for expansion to avoid buckling as follows: For widths 2 to 4 inches, a one-sixteenth inch (1/16") space should be provided; for widths 6 to 8 inches, a minimum space of one-eighth inch (1/8") should be provided.
- (h) The tops of the cover boards may be cut to many different designs such as dog ear (corners cut off at 45 degree angles), gothic (two arc shaped cuts that meet in the center to form a graceful point), standard point (boards cut to a point with 45 degree angles), or domed or rounded top (where the top is cut to a half circle). There are many shapes and styles that may be custom cut at specific request. Post tops may also be cut to several decorative shapes such as pyramid, gothic, domed and chamfered. Also, shaped terminals may be screwed onto the tops of posts.  
(Ord. 2011-93. Passed 9-20-11.)

**1369.06 SPECIFICATIONS FOR CHAIN LINK FENCES.**

The following specifications, derived from ASTM F567, and Standard Practice in the Fence Industry, shall apply to the materials and construction of chain link fences:

(a) Structural Members:

- (1) Posts. Post spacing shall not exceed ten feet (10'). Posts shall be set in concrete. Diameter of holes shall be four times the largest cross section of the post.
- (2) Depth. Depth shall be a minimum of twenty-four inches (24") for a four-foot high fence, plus an additional three inches (3") for each additional one foot increase in height over four feet.
- (3) Top rail. A top rail shall be used for all chain link fences. Top rail shall be continuous between terminals and shall be swedged or sleeved. Top rail shall be supported at all posts. At corners and terminals, rail shall be connected by means of a rail end fitting.
- (4) Dimensions of structural members.

	Minimum Diameter	
Member	5 ft. or less in height	Greater than 5 ft.
Top Rail	1-3/8 in.	1-3/8 in.
Line Post	1-5/8 in.	2 in.
Terminal and Gate Post	2-1/2 in.	2-1/2 in.

- (5) Fabric. The selvage edge of wire fabric shall be knuckled top and bottom. The fabric shall be installed with only a knuckled edge at the top and bottom. Rolls of wire fabric shall be joined by weaving a single picket into the ends of rolls to form a continuous mesh. Fasten fabric to line posts at intervals not exceeding fifteen inches (15"). Fasten fabric to top rail at intervals not exceeding twenty-four inches (24"). Tension bars shall be used at all terminal, corner and gate posts. Fabric shall be tightened to provide a smooth, uniform appearance free from sag. For residential applications, minimum gauge of chain link fence fabric shall be 11½ gauge. For non residential applications, minimum gauge of chain link fence fabric shall be 9 gauge.  
(Ord. 2011-93. Passed 9-20-11.)



**CHAPTER 1371**  
**Charges for Emergency Municipal Services**

<b>1371.01</b>	<b>Purposes.</b>	<b>1371.04</b>	<b>Billing.</b>
<b>1371.02</b>	<b>Definitions.</b>	<b>1371.05</b>	<b>Failure to pay.</b>
<b>1371.03</b>	<b>Charges.</b>		

**1371.01 PURPOSES.**

A greater than normal operational and financial burden is placed upon the City by contractors who, from time to time, create, cause to be created, or contribute to cause, incidents at construction sites which pose serious and immediate risk of injury to persons and property, and require the City to respond with emergency municipal services in order to protect the health, safety and welfare of persons at the site and/or the community in general. The purpose of this chapter is to recover from contractors the costs incurred by the City for emergency municipal services provided in response to such incidents.  
 (Ord. 2002-90. Passed 8-6-02.)

**1371.02 DEFINITIONS.**

As used in this chapter:

- (a) "Contractor" shall mean any person, partnership, corporation, or other entity engaged in excavating, building, or any other construction activity in the City, whether located on private or public property.
- (b) "Emergency municipal services" shall mean the providing of police, fire, paramedic or other services by the City, or by any private individual or corporation operating at the request or direction of the City, in response to an incident, occurring on public or private property, which constitutes, in the judgment of the City, an emergency posing an immediate threat of injury to persons or property, or to the public health, safety or welfare of the community.
- (c) "Expense" shall mean all actual or reasonably calculated costs incurred by the City, or by a private individual or corporation operating at the request or direction of the City, in providing emergency municipal services. Such expenses shall include, but not be limited to, labor and equipment costs.
- (d) "Incident" shall mean any accident, occurrence or other event caused by either an act of negligence or recklessness, a failure to perform a duty required by contract, or an act which constitutes a violation of federal or state law, or City ordinance.  
 (Ord. 2002-90. Passed 8-6-02.)

**1371.03 CHARGES.**

The expense of responding with emergency municipal services to an incident caused by the contractor, or any of its employees, agents, or others acting in concert with the contractor, shall be borne by and charged to the contractor. The charges shall constitute a debt of the contractor, and shall be collectible by the City in the same manner as an obligation under contract. (Ord. 2002-90. Passed 8-6-02.)

**1371.04 BILLING.**

The Mayor, or his/her designee, shall submit a bill for the expense of an emergency municipal service response by first class mail or personal service to the contractor responsible. The bill shall require full payment within thirty (30) calendar days from the date of billing. (Ord. 2002-90. Passed 8-6-02.)

**1371.05 FAILURE TO PAY.**

Any failure by a contractor responsible to pay a bill issued under this chapter within thirty (30) calendar days of the date of billing shall be considered a default. In case of a default, the City may commence a civil suit or take any other action permitted at law or in equity to recover the expense of the emergency municipal service response. If legal action is taken to collect any amount owed under this chapter, the City shall be entitled to recover the costs of such legal action from the contractor responsible, including reasonable attorney fees. (Ord. 2002-90. Passed 8-6-02.)

**CHAPTER 1373**  
**Building, Zoning, Property Maintenance and Other**  
**Nuisance Activities**

<b>1373.01</b>	<b>Building, zoning, property maintenance and other violations declared as nuisance activities.</b>	<b>1373.03</b>	<b>Failure to abate nuisance activity.</b>
<b>1373.02</b>	<b>Action to abate nuisances; costs of enforcement.</b>	<b>1373.04</b>	<b>Other legal actions not affected.</b>
		<b>1373.05</b>	<b>Severability.</b>

**1373.01 BUILDING, ZONING, PROPERTY MAINTENANCE AND OTHER VIOLATIONS DECLARED AS NUISANCE ACTIVITIES.**

(a) Activities, as defined in any of the following provisions of the North Olmsted Codified Ordinances, occurring on any commercial or residential property located within the City, and engaged in by an owner, occupant, tenant or invitee of the owner or occupant of the property, are declared to be nuisance activities. To be a nuisance activity, a criminal conviction is not necessary. There must, however, be probable cause to believe that the activity occurred. For purposes of this Chapter, a residential property means any real property that is either zoned to permit residential occupancy or otherwise has a residential occupancy upon it. For purposes of this Chapter, a commercial property means any real property that is either zoned to permit business or general retail occupancy, or otherwise contains business uses, including but not limited to industrial, office, hotel, general retail and all other commercial uses however described.

- (1) Any Building Code violation under Chapters 1301 (Ohio Building Code), 1305 (One, Two and Three-Family Dwelling Code), 1309 (National Electrical Code), 1331 (Dangerous or Unsafe Buildings), 1333 (Building Removal), 1345 (Swimming Pools), 1351 (Property Numbers), 1355 (Air Conditioning and Air Handling Equipment), 1365 (Disposal of Building Materials), 1367 (Satellite Dish Receiving Stations), 1369 (Fences and Screen Walls), including but not limited to Sections 1301.06 (Violations), and 1305.05(b)(3) (Violations and Penalties) of the Codified Ordinances;
- (2) Any Zoning Code violation under Chapters 1135 (One and Two Family Residence Districts), 1136 Residential Cluster (RC) Districts, 1137 Multiple Residence (Apartment) Districts, 1138 Senior Residence District, 1139 Business Districts, 1141 Office Building Districts, 1142 Residential Office Districts, 1145 Limited Industry Districts, 1149 Mixed Use Districts, specifically including but not limited to Sections 1135.01 (Use Restrictions), 1135.02(a) (Home Professional Office), 1135.02(b) (Home Occupation), 1135.02(c) (Private Garage), 1135.02 (d) (Accessory Buildings and Structures), 1135.02(e) (Animal Shelters), 1135.02(f) (Fences), 1135.02(g) (Antenna and Tower), 1135.02(h) (Recreational Vehicle), 1135.02(i) (Permanent Swimming Pools), 1135.02(j) (Portable Storage Containers), 1139.02 (b) (Permitted Buildings and Uses), 1139.08 (Supplementary Yard Regulations), 1139.12 (Regulation of Industrial Units), 1138.13 (Storage of Motor Vehicles), 1139.14 (Irrigation of Landscaped Areas), of the Codified Ordinances;

- Ordinances;
- (3) Any Real Property Maintenance Code violation under Chapters 1363 including but not limited to Sections 1363.07(a) (Maintenance of Exterior Premises; Hazards and Unsanitary Conditions), 1363.07(b) (Appearance of Exterior of Premises and Structures), 1363.07(b)(1) (Residential), 1363.07(b)(2) (Nonresidential), and 1363.07(c) (Structural Soundness and General Maintenance), together with specific subsections therein, of the Codified Ordinances;
  - (4) Any health, safety or sanitation violation under Chapter 521 of the Codified Ordinances;
  - (5) Any Noise Control violation under Chapter 555, including but not limited to Sections 555.03(a) (Animals and Birds), 555.03(c) (Vehicle or Motorboat Repairs and Testing), 555.003(d) (Adequate Mufflers or Sound Dissipative Devices), 555.03(e) (Motor Vehicles), 555.03(f) (Loading and Unloading), 555.03(g) (Construction), 555.03(h) (Emergency Signaling Devices), 555.03(i) (Radios, Television Sets, Musical Instruments and Similar Devices), 555.03(j) (Loudspeakers/Public Address Systems), 555.03(k) (Domestic Power Tools) and 555.04 (Maximum Permissible Sound Levels by Receiving Land Use), or 555.06 (Immediate Threats to Health and Welfare) of the Codified Ordinances;
  - (6) Any Criminal Activity Nuisance violation under Chapter 561 of the Codified Ordinances;
  - (7) Any Licensing of Rental Units violation under Chapter 713 of the Codified Ordinances;
  - (8) Any Grading and Surface Water Drainage violation under Chapter 931 of the Codified Ordinances;
  - (9) Any Trees and Weeds violation under Chapter 949 of the Codified Ordinances;
  - (10) Any Urban Forest violation under Chapter 950 of the Codified Ordinances;
  - (11) Any Fire Code violation under Chapter 1701, including but not limited to Section 1701.05 (Compliance) of the Codified Ordinances;
  - (12) Any Fireworks violation under Chapter 1719, including but not limited to Section 1719.04 (Possession, Sale or Discharge Prohibited; Exceptions) of the Codified Ordinances;
  - (13) Any Sign Code violation under Chapter 1163;
  - (14) Any Site Development Plan certification or deviation violation under Chapter 1126, including but not limited to Section 1126.11.

(b) When four or more nuisance activities as defined in division (a) occur on separate occasions on the same residential property within any three hundred sixty-five (365) day period, the Director of Public Safety may declare the premises to be a nuisance property and may abate the nuisance as provided in Section 1373.02.  
(Ord. 2010-50. Passed 6-15-10.)

### **1373.02 ACTION TO ABATE NUISANCES; COSTS OF ENFORCEMENT.**

(a) Notice of Declaration of Nuisance. The Director of Public Safety, upon finding that four (4) or more nuisance activities as defined in Section 1373.01 have occurred on separate occasions within any three hundred sixty-five (365) day period on the same commercial or residential property may cause a written notice and order to be served on the owner of the property declaring that the property is a nuisance property. This notice and order shall identify the nuisance activities, and the estimated costs to abate any future nuisance activity; shall state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in division (d) of this Section; and shall state the appeal process. The

notice shall further state that if a fifth or subsequent nuisance activity as defined in Section 1373.01 occurs later than thirteen (13) days after the date of the written nuisance declaration notice and within twelve (12) months of the date of the fourth or any subsequent nuisance activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the nuisance property and may be certified as a lien on the nuisance property. Notice shall be deemed properly delivered by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or by mailing it to the owner, or, if it cannot be served in any of the other ways mentioned above, by publishing it once in a newspaper of general circulation within the City, or by posting it in a conspicuous place on the real estate involved.

(b) Abatement. If the Director of Public Safety determines that a fifth or subsequent nuisance activity as defined in Section 1373.01 occurs later than thirteen (13) days after the date of the initial written nuisance declaration notice and within twelve (12) months after the date of the fourth or any subsequent nuisance activity, the City may abate the nuisance activity by using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the property and, if not paid, may be certified by the Director of Finance to the County Auditor to be placed on the nuisance property as a lien to be collected as other taxes and returned to the City. The cost to abate the nuisance activity shall be calculated as set forth in division (c). The City shall provide notice to the owner of the nuisance property of the City's decision to charge the cost of abatement. If the costs are not paid by the owner, the City shall notify the owner at least thirty (30) days before the costs are certified to the County Auditor. The notice shall contain a street address or legal description of the property, a description of the nuisance activities and the cost to abate. Notices shall be served as set forth in division (a) of this section. The Director of Law may take any other action necessary to collect the costs of abatement.

(c) Costs of Abatement. Costs of abatement shall be determined based on the time required to respond to the nuisance activity multiplied by an hourly rate based upon the wages and benefits of a police officer, fire fighter, animal warden, building department inspector or other enforcement officer, service department employee, dispatch costs, vehicle and equipment costs, and supervisory and administrative costs. The hourly rate may be adjusted based on the number of police officers and/or other City employees required to abate the nuisance.

(d) Nuisance Abatement Plan. The owner of a nuisance property may avoid being charged the cost of abating future nuisances if the owner meets with the Director of Public Safety; presents a plan to prevent further nuisance activity and that plan is approved by the Director of Public Safety; and implements the plan.

(e) Appeal. The owner of a nuisance property who receives a notice declaring the owner's property to be a nuisance property, a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, may appeal the notice by submitting a written request to reconsider to the Director of Public Safety within ten (10) days of the date of the notice. If, after a decision on that request, the owner disagrees with the decision, the owner may appeal the decision of the Director of Public Safety to the Building and Zoning Board of Appeals. An appeal to the Building and Zoning Board of Appeals shall be made within fifteen (15) days of the postmark date of the decision from the Director of Public Safety denying the request for reconsideration. The Board shall conduct a hearing and render a decision in accordance with City ordinances and rules governing its conduct and procedure. An appeal to the Building and Zoning Board of Appeals shall not stay any actions by the City to abate any subsequent nuisance activity. In an appeal to the Building and Zoning Board of Appeals of a nuisance declaration notice, the City must show by a

preponderance of the evidence that there was probable cause to believe that each nuisance activity stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property is justified. In an appeal to the Building and Zoning Board of Appeals of a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, the City must show by a preponderance of the evidence that the charging of abatement costs or the certification of abatement costs is justified. The owner may prevail on appeal of any notice if the owner demonstrates by a preponderance of the evidence that:

- (1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or
- (2) He or she had knowledge of the nuisance activity, but promptly and vigorously took all actions necessary to abate the nuisance activity including, without limitation, compliance with the requirements of division (C) of Section 5321.17 and division (A)(9) of Section 5321.04 of the Ohio Revised Code; or
- (3) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of division (C) of Section 5321.17 and division (A) (9) of Section 5321.04 of the Ohio Revised Code; or
- (4) The nuisance activity consists of a criminal offense or offenses committed or alleged to have been committed by the independent actions of third parties, including invitees upon the premises, and whose activities are not supervised, directed or reasonably within the control of the owner or tenant.  
(Ord. 2010-50. Passed 6-15-10; Ord. 2016-37. Passed 5-3-16.)

#### **1373.03 FAILURE TO ABATE NUISANCE ACTIVITY.**

(a) Whenever a property owner has been billed on three (3) or more separate dates within a two-year time period for the cost to abate nuisance activity under this Chapter, the Director of Public Safety shall notify the property owner that he or she may be issued a criminal citation for a misdemeanor of the second degree thirty (30) days after the third bill is issued.

(b) No property owner shall fail to abate nuisance activity within thirty (30) days after the third bill within a two-year time period for the cost to abate nuisance activity under this Chapter.

(c) Whoever violates this section is guilty of failure to abate nuisance activity, a misdemeanor of the second degree.  
(Ord. 2009-72. Passed 8-18-09.)

#### **1373.04 OTHER LEGAL ACTIONS NOT AFFECTED.**

The declaration of a nuisance property, an order to abate a nuisance, or the charging or assessment of costs by the City on a property under this chapter, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances. (Ord. 2009-72. Passed 8-18-09.)

**1373.05 SEVERABILITY.**

If any clause, sentence, paragraph or part of this chapter, or its application to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is declared to be the legislative intent that this chapter would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage. (Ord. 2009-72. Passed 8-18-09.)

