

ORDINANCE NO. 17-92

BY: Anne Williams

Amending various sections of the Shaker Heights Codified Ordinances in order to recognize the reorganization of the Building and Housing Inspection Departments, to create a Department of Building and Housing, and to delegate certain authority under the ordinances to that Director, and declaring an emergency.

WHEREAS, the following sections of the Administrative Code of the Shaker Heights Codified Ordinances were enacted, or amended most recently, by the legislation referenced after each section: 107.02 (Ord. 05-52, Enacted 5-23-05; Ord. 13-114, Enacted 12-16-13); 107.08 (Ord. 12-61, Enacted 5-29-12); 108.03, 108.06 (Ord. 02-94, Enacted 7-22-02; Ord. 13-114, Enacted 12-16-13); 121.08, 121.11, 131.03 (Ord. 13-114, Enacted 12-16-13); 121.09 (Ord. 98-47, Enacted 4-27-98); 121.10 (Ord. 98-57, Enacted 4-27-98); 121.13 (Ord. 79-71, Enacted 5-21-79); 121.14 (Ord. 76-123, Enacted 5-23-77); 121.15 (Ord. 12-43, Enacted 4-23-12); 121.16 (Ord. 09-32, Enacted 3-23-09); 137.07, 137.08 (Ord. 92-186, Enacted 11-23-92); 173.03 (Ord. 16-33, Enacted 3-28-16); and

WHEREAS, the following sections of the Business Regulation Code of the Shaker Heights Codified Ordinances were enacted, or amended most recently, by the legislation referenced after each section: 541.07 (Ord. 62-97, Enacted 7-23-62; Ord. 13-114, Enacted 12-16-13); 547.02 (Ord. 91-84, Enacted 8-26-91; Ord. 13-114, Enacted 12-16-13); 547.03 (Ord. 16-67, Enacted 6-27-16); 547.04 (Ord. 12-120, Enacted 12-17-12; Ord. 13-114, Enacted 12-16-13); 547.05 (Ord. 91-84, Enacted 8-26-91); and

WHEREAS, the following sections of the Fire Code of the Shaker Heights Codified Ordinances were enacted, or amended most recently, by the legislation referenced after each section: 901.04 (Ord. 10-11, Enacted 2-22-10); 903.02; 905.06; 905.07; 905.08 (Ord. 10-11, Enacted 2-22-10); 909.02 (Ord. 11-01, Enacted 1-24-11); and

WHEREAS, the following sections of the Building Code of the Shaker Heights Codified Ordinances were enacted, or amended most recently, by the legislation referenced after each section: 1301.05, 1301.07, 1301.08; 1311.03, 1311.06; 1311.07; 1311.11; 1311.12; 1321.07; 1333.04; 1333.06-1333.08 (Ord. 13-114, Enacted 12-16-13); 1303.01, 1303.02 (Ord. 06-53, Enacted 5-22-06); 1303.04-1303.07; 1307.01-1307.06; (Ord. 64-166, Enacted 10-26-64); 1305.01 (Ord. 12-120, Enacted 12-17-12); 1305.02 (Ord. 78-123, Enacted 11-27-78); 1309.99 (Ord. 14-24, Enacted 4-28-14); 1331.03 (Ord. 10-125, Enacted 11-22-10); and

WHEREAS, the following sections of the Housing Code of the Shaker Heights Codified Ordinances were enacted, or amended most recently, by the legislation referenced after each section: 1403.08, 1407.02, 1407.05, 1409.01, 1409.04-1409.06, 1409.08 (Ord. 78-74, Enacted 6-26-78); 1409.02 (Ord. 72-100, Enacted 9-25-72); 1409.03, 1413.01, 1415.02, 1421.04, 1415.05 (Ord. 16-67, Enacted 6-27-16); 1409.09 (Ord. 98-39, Enacted 3-23-98); 1409.10 (Ord. 79-135, Enacted 12-17-79); 1411.02, 1413.04, 1413.05, 1421.03, 1421.05-1421.06, 1421.08 (Ord. 02-93, Enacted 7-22-02); 1413.02 (Ord. 04-98, Enacted 7-26-04); 1413.03 (Ord. 13-114, Enacted 12-16-13); 1415.01 (Ord. 09-76, Enacted 7-27-09); 1415.03, 1415.07 (Ord. 00-126, Enacted 10-16-00); 1417.02, 1417.07-1417.09, 1417.11, 1417.13 (Ord. 80-81, Enacted 11-24-80); 1417.04 (Ord. 12-

109, Enacted 10-22-12); 1417.05 (Ord. 08-96, Enacted 10-27-08); 1417.06 (Ord. 93-111, Enacted 7-26-93); and

WHEREAS, the City has determined to reorganize the Building and Housing Inspection Departments, to create a Department of Building and Housing, and to delegate certain authority under the ordinances to the Director Building and Housing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Sections 107.02; 107.08; 108.03, 108.06; 121.08-121.11; 121.13-121.16; 131.03; 137.07, 137.08; and 173.03 of the Administrative Code; Sections 541.07; 547.02; 547.03; 547.04; and 547.05 of the Business Regulation Code; Sections 901.04; 903.02; 905.06; 905.07; 905.08; and 909.02 of the Fire Code; Sections 1301.05, 1301.07, 1301.08; 1303.01-1303.02; 1303.04-1303.07; 1305.01-1305.02; 1307.01-1307.06; 1309.99; 1311.03, 1311.06-1311.07; 1311.11-1311.12; 1321.07; 1331.03; 1333.04; and 1333.06-1333.08 of the Building Code; and Sections 1403.08; 1407.02; 1407.05; 1409.01-1409.06; 1409.08-1409.10; 1411.02; 1413.01-1413.05; 1415.01-1415.03; 1415.05; 1415.07; 1421.03-1421.06; 1421.08; 1417.02; 1417.04-1417.09; 1417.11; and 1417.13 of the Housing Code, of the Shaker Heights Codified Ordinances, as heretofore in effect, are hereby repealed.

Section 2. Sections 107.02; 107.08; 108.03, 108.06; 121.08; 121.10-121.11; 121.13-121.16; 131.03; 137.07, 137.08; and 173.03 of the Administrative Code; Sections 541.07; 547.02; 547.03; 547.04; and 547.05 of the Business Regulation Code; Sections 901.04; 903.02; 905.06; 905.07; 905.08; and 909.02 of the Fire Code; Sections 1301.05, 1301.07, 1301.08; 1303.01-1303.02; 1303.04-1303.07; 1305.01-1305.02; 1307.01-1307.06; 1309.99; 1311.03, 1311.06-1311.07; 1311.11-1311.12; 1321.07; 1331.03; 1333.04; and 1333.06-1333.08 of the Building Code; and Sections 1403.08; 1407.02; 1407.05; 1409.01-1409.06; 1409.08-1409.10; 1411.02; 1413.01-1413.05; 1415.01-1415.03; 1415.05; 1415.07; 1421.03-1421.06; 1421.08; 1417.02; 1417.04-1417.09; 1417.11; and 1417.13 of the Housing Code, of the Shaker Heights Codified Ordinances, shall be enacted as amended, and renumbered, to read as follows:

CHAPTER 107
Abatement of Nuisances

107.02 AUTHORITY TO INSPECT PROPERTIES WHERE NUISANCES EXIST AND TO ABATE NUISANCE CONDITIONS.

Whenever there shall be done or exist on any property an act, thing, or condition of a kind which has been or may hereafter be defined by ordinance, including a Codified Ordinance, as a nuisance, the Director of Public Works, ~~or the Commissioner of Building~~ Director of Building and Housing ~~or the Director of Housing Inspection~~, or their designees, (hereinafter collectively and individually referred to as "Director"), are authorized and directed promptly to enter and inspect the premises or structure where such nuisance is found to exist to determine the extent and nature of the nuisance and whether it has been abated, provided permission to enter or inspect is obtained from the owner or his or her agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry or inspection may be made at any time and no search warrant is necessary. No person shall refuse to permit such emergency entry or

inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such inspection.

107.08 FORECLOSURE REGISTRATION.

(a) Any person or entity filing a civil case in any court for the purpose of foreclosing on any commercial, residential, institutional or any other property in the City shall, within thirty (30) days after the filing date, register the action and property with the Department of ~~Housing Inspection~~Building and Housing and pay the fee, as set forth in this Section. A foreclosure filed by a governmental entity shall be exempt from this registration requirement.

(b) Registration of a foreclosure action and the property that is the subject of the foreclosure shall be made on the form or forms provided by the Department of ~~Housing Inspection~~Building and Housing.

(c) The fee for registration of a foreclosure action and the foreclosed property shall be one hundred fifty dollars (\$150.00). The fee for a foreclosure registration submitted after the 30th day following the filing of the foreclosure shall be three hundred dollars (\$300.00). No registration shall be accepted or considered submitted unless and until the registration form has been completely and accurately filled out, and the applicable fee has been paid.

CHAPTER 108

Elimination of Spot Blight

108.03 DETERMINATION OF BLIGHTED PREMISES.

(a) The ~~Director of Housing Inspection, the~~ Director of Neighborhood Revitalization, or the ~~Commissioner of Building~~Director of Building and Housing, or their designees, shall present to the Neighborhood Revitalization Committee and City Council, from time to time and as circumstances warrant, legislation which shall list therein the location and ownership of premises which said ~~Director, Commissioner and/or~~ Directors have reason to believe are blighted premises. ~~The~~ legislation shall state briefly the factors that would warrant the determination that the premises so listed in the legislation are blighted. The premises so listed in the legislation shall be only those blighted premises, which, in the opinion of the ~~Director, Commissioner and/or~~ Directors, are such that, in order to eliminate the existing blight and to prevent future blight, acquisition thereof will be necessary. The following factors shall be considered in determining whether acquisition of the premises is necessary to eliminate existing blight and/or prevent future blight:

- (1) The owner of the blighted premises cannot or will not eliminate the blighted condition, and/or prevent recurrence of the blighted condition.
- (2) The length of time the subject premises has remained in the blighted condition after receiving the notice of Housing and/or Building Code violations.
- (3) Whether the owner, owner's agent, or person in charge of the subject property has been convicted of Housing Code violations on said premises and failed to comply with a court order to fix or correct the violation.
- (4) Whether the City Council has, within the past five (5) years, declared the property a public nuisance and the owner cannot or will not eliminate the nuisance.
- (5) Whether direct action, including, but not limited to, clearing the premises of the debris, demolition of blighted structures, or effecting repairs pursuant to nuisance abatement as provided in Chapters 107 and 109 of the Codified

Ordinances of Shaker Heights, would prove to be inadequate and, in the opinion of the Director making the report, that direct action would likely prove inadequate to eliminate blight or prevent its recurrence.

(b) It shall be prima facie evidence that the owner of the blighted premises is unwilling or unable to eliminate or prevent the recurrence of the blighted condition of the premises if the blighted premises has been condemned or the owner has been prosecuted under Chapter 1409 of the Housing Code and after being found guilty has failed to comply with the court's order to make repairs.

The owner's unwillingness or inability to eliminate or prevent the recurrence of the blighted condition of the premises may also be established through testimony and documentary evidence of the Council hearings on the legislation.

108.06 ACQUISITION AND BLIGHT ELIMINATION BY CITY.

Upon determination of Council that a premises is blighted and that acquisition by the City is necessary in order to eliminate the blight and prevent recurrence of blight upon the premises, the ~~Director of Housing Inspection or the Commissioner of Building~~Director of Building and Housing, along with the Director of Planning and Development and the Director of Neighborhood Revitalization or their designee(s), are authorized to introduce and submit appropriate legislation to do the following:

- (a) Acquire the premises by purchase;
- (b) Acquire the premises by court action exercising the City's constitutional right of eminent domain;
- (c) After acquisition, to eliminate the blight by:
 - (1) Demolition and clearance of the premises by an independent contractor or City forces, or clearance if demolition of structures is not necessary.
 - (2) Rehabilitation by an independent contractor or by City forces.
 - (3) Sale of the blighted premises to a purchaser upon terms providing for the elimination of the blight and prevention of its recurrence.
 - (4) Sale of the premises after demolition and clearance (if not needed for a public purpose) for use or development; or
- (d) Any combination of the above provisions.

CHAPTER 121

Director of Safety; Police, Fire and ~~Building~~Building and Housing Departments

121.08 ~~BUILDING~~BUILDING AND HOUSING DEPARTMENT; ESTABLISHMENT, PERSONNEL AND DUTIES.

(a) Under the provisions of Section 1, Article V of the Charter there is created a ~~Building~~Building and Housing Department consisting of the ~~Director of Building and Housing, the~~ Commissioner of Building, and such other employees as may be authorized by ordinance of Council.

(b) ~~The duties of the Commissioner of Building shall be as set forth in Chapter 1301 of the Building Code. In addition, Tthe~~ Director of Building and Housing~~Commissioner of Building~~ shall administer the ~~Building~~Building and Housing Department, and perform such other duties as may be prescribed by the Mayor. The duties of the Director of Building and Housing and the Commissioner of Building shall be as set forth in Chapter 1301 of the Building Code. Whenever duties are given to the Commissioner of Building, such duties may be performed by the Director of Building and Housing, except for those duties for which certification is required under Ohio's Building Codes.

~~121.09 HOUSING INSPECTION DEPARTMENT, ESTABLISHMENT, PERSONNEL AND DUTIES.~~

~~(a) Under the provisions of Section 1, Article V of the Charter there is created a Housing Inspection Department consisting of a Director of Housing Inspection and such other employees as may be authorized by ordinance of Council.~~

~~(b) The duties of the Director of Housing Inspection shall be to enforce the Shaker Heights Housing Code (Part 14, Shaker Heights Codified Ordinances), administer the Housing Inspection Department, and to perform such other duties as may be prescribed by the Mayor.~~

121.0910 SPECIAL POLICE OFFICERS.

(a) The Director of Safety is authorized to commission the Commissioner of Building or Housing Inspection and their designees, the Director of Public Works and his designees, the Recreation Director, the Pool Manager and the Assistant Pool Manager, the Health Department Inspectors who are not regular members of the Police Department, and the Animal Warden as special police officers.

(b) The following rules and regulations shall apply to such special police officers and their commissioning:

- (1) The special police officers shall receive no additional compensation for their duties as such;
- (2) The special police officers shall not be on the classified list of the Police Department nor eligible for participation in the Police Pension Fund;
- (3) The special police officers shall have the power to investigate, sign complaints and issue summonses for the violation of the laws of the State and ordinances of the City and shall only exercise such powers with reference to the Administrative, Business Regulation, Fire, Health, Zoning, Building, and Housing Codes of the City, and other similar ordinances or laws of the State relating or applicable to streets, sidewalks, tree lawns or other property belonging to the City, or construction within the City, or health regulations, or housing regulations, and in such other specific cases as the Director of Safety may from time to time direct. The Animal Warden shall enforce all of the ordinances of the City relative to animals.
- (4) Notwithstanding any other provision of this section, special police officers shall not:
 - A. Be armed while on duty or while acting in their capacity as special police officers;
 - B. Exercise any authority in enforcement of the Traffic or General Offenses Codes of the City; or
 - C. Arrest, incarcerate or take into custody any person.

121.1011 CRIME PREVENTION BUREAU.

(a) A Crime Prevention Bureau within the Police Department of the City is hereby established which shall be operated under the supervision of the Chief of the Police Department, under the direction and control of the Director of Safety. The person in charge of the Bureau of Crime Prevention shall be appointed by the Chief of the Police Department, on the basis of his or her qualifications. The Police Chief shall designate such other officers and members of that Department, as the Chief may from time to time deem necessary, as crime prevention officers for duties incident to the operation of the Bureau.

(b) The duties of the Crime Prevention Bureau shall be:

- (1) To develop methods and systems for the prevention of crime.

- (2) To conduct education programs designed to advise the public of measures which may be taken to assist in the prevention of crimes.
- (3) To advise home owners, apartment owners and business owners relative to the installation and maintenance of security systems, alarms, locks, lighting and other safeguards.
- (4) To review plans for the construction of all structures within the City to ascertain security hazards and the elimination thereof as may be required by ordinance or State law.
- (5) To review the investigation and circumstances of crimes designated by the Chief of Police in order to evaluate crime prevention measures which may be established in the future and determine the feasibility of existing crime prevention measures and devices.
- (6) To advise other members of the Police Department, not in the Crime Prevention Bureau, relative to various crime prevention practices and measures.

The Bureau shall have such other powers and perform such other duties as are set forth in other sections of this Administrative Code and other ordinances, and as may be conferred and imposed from time to time by law. This delegation of duty shall not relieve any other department, officer, or employee of the City of any power or duty conferred upon that department, officer or employee by law or ordinances.

(c) The members of the Crime Prevention Bureau may, at all reasonable hours, enter any building or premises within their jurisdiction for the purpose of inspecting same to ascertain whether there exists any hazard to crime prevention which is required to be corrected by ordinance or other recommendation of the Crime Prevention Bureau in an effort to prevent crime.

121.1113 SECURITY MEASURES IN ALL BUILDINGS EXCEPT ONE-FAMILY AND TWO-FAMILY STRUCTURES.

The following provisions shall be applicable to all new and existing buildings within the City, except one-family and two-family structures, unless expressly excepted herein:

- (a) Exterior Doors and Lobby Doors. Exterior doors, doors leading to garages and interior lobby doors shall have a self-closing door closer unit attached, operable from the inside only. All such doors except exterior lobby doors shall have a self-locking spring latch lock with a latch guard. Such equipment shall be maintained in proper working order.
- (b) Exterior Suite and Office Doors.
 - (1) Exterior suite or office doors leading to a main hallway or to the outside shall have a dead bolt lock with a one (1) inch throw. This subsection shall not apply to dead bolt locks presently in existence, but shall apply to any lock installed or replaced after the effective date of this section.
 - (2) Exterior suite or office doors leading to a main hallway or to the outside, if the door has a glass inlay, or there is a glass panel next to the door, shall have a double cylinder dead bolt lock.
 - (3) Exterior suite or office doors leading to a main hallway or to the outside, if the door is solid or has an opaque glass inlay, shall have a 180 degree one-way peep hole. This section shall not apply to doors where a peep hole is presently in existence.
 - (4) Lock cylinders of suite or office doors opening onto hallways or other public areas shall be changed by the manager or

owner of the building each time a new tenant commences occupancy of such suite or office.

- (c) Hardware. All hardware required or used in accordance with this section shall conform with the requirements of the Ohio Basic Building Code and all pertinent requirements of the Codified Ordinances of the City.
- (d) Appeals. The owner, agent or operator of any structure to which this section applies, may appeal the enforcement of any provision of this section to the Board of Housing Code Appeals, which shall hear and determine such appeal in the manner prescribed in Section 1409.09 of the Codified Ordinances. In determining whether an appeal shall be granted pursuant to this section, the Board shall consider the cost of compliance, any structural impediments to compliance, security measures that are being or will be taken, and any other factor which the Board deems necessary for a fair and proper determination.

121.1214 SECURITY ILLUMINATION REQUIREMENTS IN MULTI-FAMILY, AND APARTMENT BUILDINGS.

The following illumination provisions shall be applicable to all new and existing multi-family apartment buildings consisting of more than four (4) units within the City of Shaker Heights within one (1) year from the effective date of this section:

- (a) Definitions. The following definitions shall be applicable to this section:
 - (1) Footcandle. "One (1) footcandle" means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.
 - (2) Illumination. An "illumination source" means a device, such as a lamp which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.
 - (3) Lumen. A "lumen" means the quality of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one (1) candela source provides 12.57 lumens or one (1) lumen per square foot of surface on a sphere having a radius of one (1) foot.
 - (4) Metering equipment. Illumination levels shall be measured in footcandles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of + fifteen percent (15%). It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one (1) year of date of use as attested to by certificate issued by such laboratory.
 - (5) Method of measurement. The meter sensor shall be mounted not more than six (6) inches above finished grade in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made at least one-half (1/2) hour after sunset upon the existing questioned light sources.
 - (6) Exterior walkways. "Exterior walkways" mean the paved pedestrian areas including steps defined by the building owner, and approved by the ~~Building~~Building and Housing Department, as the primary paths used by occupants and visitors for access to the building.

- (7) Exterior steps. "Exterior steps" mean steps consisting of one (1) or more risers that are part of the exterior walkways.
- (8) Entrances. "Entrances" mean all means of access to the main building by occupants and/or visitors.
- (9) Parking lots. "Parking lots" mean all exterior areas where tenants or visitors normally park vehicles and as approved by the City.
- (10) Parking garage. "Parking garage" means a building or portion of a building designed for and used for the temporary storage of passenger automobiles and/or recreational vehicles.
- (b) Exterior Walkways. All exterior walkways in excess of twenty (20) feet in length shall be illuminated from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise to an illumination level measured at any point along the walkway of not less than two-tenths (0.2) footcandle maintained.
- (c) Exterior Steps. All exterior steps that are part of the exterior walkways more than twenty (20) feet from the pedestrian entrance to the building, shall be illuminated from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise to a level at least double that of the illumination level measured ten (10) feet in either direction along the walkway adjacent to the steps. The illumination level at the steps must be a minimum of four-tenths (0.4) footcandle maintained.
- (d) Entrances. All entrances to each building shall be illuminated from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise with an illumination source located within five (5) feet of the doorway of not less than two (2) footcandles maintained immediately below the illumination source six (6) inches above finished grade with a minimum of one (1) footcandle maintained measured at the horizontal surface immediately in front of the center of the doorway.
- (e) Parking Lots. All outside parking areas shall be illuminated from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise to an illumination level measured at any point in the paved area of the parking lot or driveways, when unobstructed, of not less than two-tenths (0.2) footcandle maintained.
- (f) Parking Garages. All parking shall be illuminated at all times to a level measured anywhere in the unobstructed parking area of not less than six-tenths (0.6) footcandle maintained, and measured anywhere along aisleways for movement of vehicles, of not less than two (2) footcandles maintained.

All illumination requirements contained herein shall be designed and shielded so as not to unnecessarily shine, glare, reflect or be directed into or towards any premises used for residential purposes.

All illumination requirements contained herein are the minimum and are to be maintained at all times as indicated.

121.1315 USER FEES.

- (a) Where permitted by law, the Police Department may provide certain services for a fee to members of the public, as follows:
 - (1) Twenty dollars (\$20.00) for record checks.
 - (2) Fingerprinting:
 - A. For residents and employees of businesses and institutions located in the City of Shaker Heights: thirty dollars (\$30.00) each for a BC&I search and/or an FBI search;

B. For non-residents: thirty-five dollars (\$35.00) each for a BC&I search and/or an FBI search.

(3) Fifty dollars (\$50.00) minimum for original statistical searches, and fifty dollars (\$50.00) per each additional hour.

(b) The foregoing shall not apply to requests for services from government agencies, including the City, for which no fee shall be charged.

121.1416 JUVENILE DIVERSION PROGRAM FEE.

(a) Effective April 1, 2009, each participant in the Juvenile Diversion Program of the Police Department shall pay \$40.00 in order to be accepted as a participant in the Program.

(b) The Police Department may, in the implementation of the Juvenile Diversion Program, waive the fee adopted in this Section if it determines that the participant lacks the ability to pay the fee based on the participant's family income in relation to the annual federal poverty level income guidelines.

**CHAPTER 131
Planning Department**

131.03 FENCE PERMITS.

(a) Permits Required. A fence permit shall be obtained prior to the erection, construction, alteration, or moving of a fence within the City. No person who is the owner of a property, the agent of the owner, or a party in control of a property, shall erect, alter or move a fence, or permit a fence to be constructed, altered or moved on said property, without a fence permit having been issued or after a fence permit has been revoked. A contractor shall be considered the agent of the owner of the property on which the contractor erects, alters or moves a fence.

(b) Permit Application; Fees.

(1) An application for a fence permit, signed by the owner, agent of the owner, or person in control of the property where the fence is to be erected, constructed, altered or moved, shall be filed with the Department of ~~Building~~Building and Housing on a form furnished by the Director of ~~Building~~Building and Housing.

(2) An application for a fence permit shall be accompanied by a fee of fifty dollars (\$50.00). There shall be an additional charge of ten dollars (\$10.00) for each inspection required due to an incomplete application or as a result of any violation of this section. If any part of a fence has been erected, constructed, altered or moved without a fence permit having been issued, the permit fee shall be one hundred dollars (\$100.00), but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Section or any other State law or City ordinance.

(3) A fence permit shall be issued only after the City receives a complete application with all information required by the Director of ~~Building~~Building and Housing on the application form, the full fee is paid, and the City determines that the proposed fence and its location are in full compliance with the City's ordinances and any applicable State law and regulations.

(4) The Director of ~~Building~~Building and Housing may add terms and conditions to the permit, at the Director's discretion,

that are consistent with the requirements for fences in the City's ordinances.

- (5) Only one fence permit and one fee are required for fences six feet in height or higher that are required to have a permit under the Building Code. However, all other provisions of this section shall apply to fences of all sizes.
- (c) Permit Revocation. A fence permit may be revoked:
 - (1) If the fence approved by the permit is not fully erected, constructed, altered or moved, as allowed by the permit, within twelve months from the date the permit is issued; or
 - (2) If the fence or its installation violates the terms and conditions of the permit or any ordinances or State law or regulations. The permittee shall be provided notice in writing and a reasonable time as determined by the Director of Planning, or said Director's designee, to complete the fence or correct any violations prior to the revocation of the permit. No person shall perform any work on installing, altering or moving a fence after the revocation of the permit.
- (d) Enforcement and Penalty.
 - (1) The erection, construction, alteration or moving, in whole or in part, of a fence without a permit, or after a permit has been revoked, shall be a first degree misdemeanor.
 - (2) The City may enforce this section by bringing a prosecution, by bringing an action in equity for an order to abate a violation or to remove a fence erected, constructed, altered or moved in violation of this section, or by taking any other action the City is authorized by law to take to enforce its ordinances.
 - (3) The Director of Planning, or said Director's designee, shall have the authority to issue and revoke permits, to inspect plans for fences, to inspect fences, to issue an order to bring a fence into conformance with a permit and/or the ordinances of the City and laws and regulations of the State, to remove a fence in violation of a permit or said laws and regulations, and/or to bring or initiate any action to enforce this section.
 - (4) The Director of Planning, or said Director's designee, may declare any fence in violation of the City's ordinances a public nuisance, and proceed to abate said nuisance as permitted under Chapter 107 of the Codified Ordinances, including assessing the cost to the City of any abatement of such nuisance to the property on which the fence is located, without further ordinance of Council.

CHAPTER 137

Landmark Commission

137.07 DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS.

- (a) The Landmark Commission may designate a place, building, structure, work of art or similar object in the City as a landmark or a Landmark District. The Commission, on its own initiative, or any owner of property, may apply to the Commission for designation of property owned by him as a landmark. In determining whether or not to designate such place, building, work of art or object as a landmark, the Commission shall consider the following criteria with respect to such property:
 - (1) Its character, interest or value as part of the development,

heritage or cultural characteristics of the City of Shaker Heights, State of Ohio, or the United States.

- (2) Its location as a site of a significant historic event.
- (3) Its identification with a person or persons who significantly contributed to the culture and development of the City.
- (4) Its exemplification of the cultural, economic, social or historic heritage of the City.
- (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (6) Its embodiment of a distinguishing characteristic of an architectural type or specimen.
- (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
- (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
- (9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural or architectural motif.
- (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
- (11) Such other individual characteristics as shall be relevant to its designation as a landmark.

(b) The Commission shall propose designations of any area, place, building, structure, work of art, or similar object in the City as a landmark or Landmark District, and thereupon take the following actions:

- (1) The Commission shall advise the City Planning Commission of the proposed designation and secure from the City Planning Commission its recommendation with respect to the proposed designations, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Commission along with its recommendation concerning the proposed designation to Council. The Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the City Planning Commission.
- (2) The Commission shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation and findings of fact to the City Council. In the event that such owner refuses or declines to give his written consent to the proposed designation, the Commission shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place and causing written notice to be given to the owner or any person having a legal or equitable interest in such property

being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved, and the date, time and place of the scheduled public hearing.

- (3) The Commission shall conduct the public hearing as provided by subsection (b)(2) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address, and the interests which he represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen (15) days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision, and shall transmit such recommendations concerning the proposed designation to Council.
- (4) Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Landmark Commission, in addition to the recommendation of the City Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as landmarks or Landmark Districts. Council may, in its discretion, hold public hearings on any such proposed designation, whether such designation is proposed only with the consent of the owner, or after public hearings before the Commission. Upon its conclusion, Council may designate by ordinance such areas, places, buildings, structures, works of art and other similar objects as a landmark or Landmark District.
- (5) As soon as is reasonably possible, the Commission shall notify the City ~~Building~~Building and Housing Department of the official designation. The Commission shall also file with the Recorder of Deeds of Cuyahoga County and the Assessor of Cuyahoga County a certified copy of the designation ordinance together with a notice briefly stating the fact of such designation and a summary of the effects such designation will have. The Commission, further, shall send by registered mail a certified copy of such ordinance and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in such property.
- (6) Notwithstanding any provision of this chapter, Council may rescind the designation of any area, place, building, structure, work of art or similar object as a landmark or Landmark District by ordinance. Passage of such an ordinance shall relieve the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter.

137.08 RECORD OF LANDMARKS.

(a) The Landmark Commission shall maintain complete records of all properties designated as landmarks in a book kept for such records in the office of the Clerk of Council. This designation shall also be noted in the ~~Building~~Building and Housing Department records of the City.

(b) The Commission may place or cause to be placed on such landmark properties a designation that such property or part thereof has been designated a landmark in the City.

**CHAPTER 173
Community Reinvestment Areas; Housing Council
and Housing Officer**

173.03 HOUSING OFFICER.

There is hereby created the position of Housing Officer, as defined by ORC Section 3735.65, to fulfill the duties as set forth in ORC Sections 3735.67 and 3735.68, or any successor sections of the ORC that include such definition and duties. The Commissioner of Building (or his/her designee), or in his/her absence or unavailability, the Director of Building and Housing Inspection (or his/her designee) shall be the Housing Officer for the City. The Housing Officer shall establish rules and regulations for the implementation of this Chapter, including an application and certification process and forms, consistent with the purposes of this Chapter.

**CHAPTER 541
Self-Service Dry Cleaning and Laundry Establishments**

541.07 LICENSE REVOCATION.

Any license issued pursuant to the provisions of this chapter may be revoked by the Mayor, or his authorized representative, for failure to comply with any of the terms of this chapter, or with reasonable rules and regulations promulgated by the ~~Commissioner of Building~~Director of Building and Housing for the protection of the public, in conformity with provisions of this chapter.

**CHAPTER 547
Registration of Contractors**

547.02 REGISTRATION.

No contractor shall perform any work within the City without a current Certificate of Contractor Registration from the ~~Commissioner of Building~~Director of Building and Housing.

547.03 REQUIREMENTS FOR CERTIFICATION.

(a) An application for a Certificate of Contractor Registration shall be filed each year with the ~~Commissioner of Building~~Director of Building and Housing. An application may be filed no sooner than December 1 of the year preceding the time of registration.

(b) The application shall include the following:

- (1) An application form requiring:
 - A. The name, address, business and home telephone numbers, and social security number or federal employer identification number of the applicant;
 - B. The name, address and social security number of each employee and subcontractor of the applicant who are currently working on any site in the City;
 - C. The name, address and social security number of each employee and subcontractor of the applicant who worked

on any site in the City during the calendar year preceding the year of registration, provided that, in the case of an applicant which files its application prior to January 31 of the year of registration, the ~~Commissioner of Building~~Director of Building and Housing may issue a Certificate of Registration on condition that the applicant submits this information no later than January 31 and if the information is not so submitted, the Commissioner may suspend the conditional Certificate of Registration until such time as the information is submitted, upon giving written notice to the contractor as provided in Section 547.04 (b);

- D. A list of current licenses held by the applicant from ~~the Ohio Construction Industry Licensing Board for electrical, plumbing and HVAC contractors, and from the State Fire Marshall for fire suppression and fire alarm contractors, governmental entities within Cuyahoga County or contiguous counties,~~ with certified copies of the licenses attached ~~(for electrical, plumbing and sewer contractors, the Commissioner of Building shall require that the applicant has a license from a governmental agency in Cuyahoga County or contiguous counties which has given a competent qualifying examination);~~
 - E. A list of the names, addresses and telephone numbers of municipalities within Cuyahoga County or contiguous counties where the applicant has done work;
 - F. If the applicant is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that it is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.
- (2) A certificate of insurance naming the City and its agents as additional insured parties in the minimum amounts of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per occurrence for bodily injury and fifty thousand dollars (\$50,000) per occurrence for property damage.

547.04 FEES, EXPIRATIONS AND REVOCATION.

(a) The ~~Commissioner of Building~~Director of Building and Housing or the ~~Director's~~Commissioner's designee shall issue the Certificate of Contractor Registration upon submission of a complete application and the deposit of the following fee:

	<u>Fee</u>
General contractor, each subtrade in direct employment of the general contractor, subcontractor, landscaper, tree maintenance service, or tree removal service	\$125.00

The ~~Commissioner of Building~~Director of Building and Housing shall waive the fee for a contractor who does work only for the City.

(b) Where a contractor who is required by this Chapter to be registered performs work without registering as required by this Chapter, whether the work has been completed or not, the contractor shall be required to register and pay a fee after a first offense of \$200.00, and after a second offense a fee of \$300.00. Payment of the fee set forth in this Section shall not

relieve a contractor from fully complying with the requirements of this Chapter, the Building Code or any other State law or City ordinance. The City may pursue any other legal remedy against a contractor which the City is authorized to seek whether a contractor has registered and paid the penalty fee under this Section or not.

(c) If the ~~Commissioner of Building~~Director of Building and Housing or the ~~Director's Commissioner's~~ designee finds that a contractor has failed to register or to submit a complete application, has submitted an application containing false information, or has been notified of a violation of a section of the Building Code, Zoning Code or Housing Code, notice in writing shall be delivered by hand, certified mail or ordinary mail to the contractor or the contractor's agent. The notice shall state the grounds upon which the findings in the previous sentence are based. The notice shall specify a reasonable period of time within which to remedy the findings. If the contractor fails to remedy the findings, the ~~Commissioner of Building~~Director of Building and Housing shall proceed with a stop order and take such enforcement action as the Commissioner determines is necessary, which may include revocation of the Certificate of Contractor Registration pursuant to the procedures set forth in Section 1301.08 of the Codified Ordinances and subject to the appeal procedure set forth in Chapter 1311 of the Codified Ordinances.

(d) The Certificate of Contractor Registration shall expire on the 31st day of December of each year.

547.05 EXCEPTIONS.

(a) This chapter shall not apply to a homeowner who assumes the responsibility as his/her own general contractor, provided:

- (1) Each subcontractor of the homeowner shall be registered in accordance with the above sections;
- (2) The homeowner shall submit an affidavit to the ~~Commissioner of Building~~Director of Building and Housing outlining which subcontractor shall be performing each phase of the construction;
- (3) All work shall comply with the applicable Building Code, ordinances, rules, and regulations, and shall be inspected prior to being concealed or completed.

PART NINE - FIRE PREVENTION CODE CHAPTER 901 Administration

901.04 BUREAU OF FIRE PREVENTION.

(a) Creation and Composition. A Bureau of Fire Prevention in the Fire Department of the City is hereby established, which shall be operated under supervision of the Chief of the Fire Department, under the direction and control of the Director of Safety. The person in charge of the Bureau of Fire Prevention shall be referred to and known as "Chief of the Bureau of Fire Prevention" and shall be appointed on the basis of the person's qualifications by the Chief of the Fire Department with the approval of the Director of Safety. The Fire Chief shall designate such other officers and members of the Fire Department, as the Chief deems necessary, as fire inspectors for duties incident to the operation of the Bureau.

(b) Specific Powers and Duties. It shall be the duty of the Bureau of Fire Prevention to enforce all laws and ordinances covering the following:

- (1) The prevention of fires;
- (2) The storage and use of explosives and flammables;

- (3) The installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The maintenance of protection and the elimination of hazards in buildings and structures, including those under construction;
- (6) The means and adequacy of exit in case of fire from all places in which persons work, live, or congregate for any purpose or length of time including but not limited to all buildings or structures regulated by the Ohio Building Code as specified in Ohio R.C. 3781.06.
- (7) The investigation of the cause, origin and circumstances of fires.

(c) General Powers and Duties. The Fire Prevention Bureau shall perform inspections and take such enforcement actions relating to the provisions of the Fire Prevention Code as deemed necessary by the Fire Chief or the Chief's agent. The Bureau shall have such other powers and perform such other duties as are set forth in other sections of this Fire Prevention Code and other ordinances, and as may be conferred and imposed from time to time by the Mayor or City Council, or by State law or regulation.

(d) Right of Entry and Inspection. The Fire Chief, Chief of the Bureau of Fire Prevention, or any inspector or assistant inspector of the Bureau may, at any reasonable hour, enter any building, premises, or vehicle within the City to perform any duty imposed on him by this Fire Prevention Code, or by the Ohio Revised Code or Ohio Fire Code, provided permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or the owner's agent. If such permission is refused or otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an emergency in which case entry may be made at any time and no search warrant is necessary. No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist, or abuse any person making or attempting to make such entry or inspection.

(e) Fire Detection and Extinguishing Devices. The Fire Chief or any member of the Bureau of Fire Prevention may make or cause to be made an inspection of the contents and the working conditions of any fire extinguisher or fire extinguishing system. The Bureau of Fire Prevention shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, apartment, and may survey multi-family dwellings and other buildings or dwellings within the City, and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs, and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages, and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinklers, or water spray systems, standpipe and hose systems, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or approved fire blankets, manual or automatic covers, or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

(f) Investigation of Fires. Pursuant to this Code and Ohio R.C. 3737.24, the Fire Chief shall investigate the cause of all fires, bombings and explosions, examine witnesses, compel the attendance of witnesses and the production of books and papers, and perform all other acts necessary to the effective discharge of such duties. The Fire Chief or the Chief's designee may administer oaths, and enter, for the purpose of examination, any building,

premises or vehicle which, in their opinion, is in danger from fire or in which a fire or explosion has occurred.

(g) Orders, Enforcement and Emergencies.

- (1) In the event of any actual or threatened violation of this Fire Code or any ordinance, statute or other regulation establishing requirements for the prevention of fires, including the maintenance of protection and the elimination of hazards in buildings and structures, or the means and adequacy of exit in case of fire from all places in which persons work, live, or congregate for any purpose or length of time, including an emergency situation, the Chief of Fire or the Chief's designee may issue an order that actions be taken or terminated in order to abate or prevent the violation. In addition to or in lieu of such an order, the Chief of Fire or designee may issue a notice of such a violation, provide a reasonable time in which the violation must be corrected, and serve said notice in the same manner as notices of abatement pursuant to Chapter 107 of the Codified Ordinances.
- (2) No person shall fail or refuse to comply with any lawful order issued by the Chief of Fire or the Chief's designee.
- (3) In the event of any actual or threatened violation of the City's Fire Code or any ordinance, statute or other regulation establishing requirements for the protection of the public or prevention of fires, including an emergency situation, the City, in addition to any other action or remedy allowed by law, may bring a criminal action, may institute proper suit in equity or law to prevent or terminate any such violation or remedy such situation, and/or may take action itself or through contractors hired for such purpose to abate the violation or situation in the same manner as the abatement of nuisances pursuant to Chapter 107 of the Codified Ordinances. If the City takes action on its own or through contractors hired for such purpose to abate the violation or situation, the City may assess its costs in the same manner as set forth in Chapter 107 of the Codified Ordinances.
- (4) In any case in which the Chief of Fire or designee determines that any actual or threatened violation of the Fire Code or any ordinance, statute or other regulation establishing requirements for the protection of the public or prevention of fires poses an immediate threat of substantial and/or irreparable danger to human life or health, or the destruction of property, the Chief or the Chief's designee may declare such condition a nuisance and order its immediate abatement, and the Chief or the Chief's designee may take action necessary to immediately abate the violation or situation constituting such threat without advance notice to the owner. Such action may include entering a property for the purposes of conducting an inspection, to the extent and in the manner allowed by law, or ordering that the property be immediately vacated.

(h) Nuisances.

- (1) Any premises within this City where a fire has occurred, and substantial interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be abated by the Fire Chief, or the Director of Building and Housing ~~or~~

~~Director of Housing Inspection~~ in the manner provided in Chapter 107 of the Codified Ordinances.

- (2) Any premises found by the Fire Chief or the Chief's designee to pose a threat of fire, or of injury to persons, including Fire personnel, or property due to any of the following may be declared a nuisance by the Chief or the Chief's designee:
 - A. Lack of adequate fire protection, as required by law for the particular premises;
 - B. Lack of adequate means of exit in case of a fire;
 - C. Presence of conditions posing a serious risk of injury to persons attempting to exit the premises in case of a fire, or to Fire personnel attempting to fight a fire in the premises;
 - D. Accumulation in the premises of personal property, rubbish or other waste, in such quantity as to pose a threat of substantial and unnecessary fire load, and/or of unknown hazards or other combustibles.

The Chief of Fire shall cause notice of such nuisance to be provided to the owner, lessee, occupant or person in charge or control of the premises in the manner as set forth in Chapter 107 of the Codified Ordinances. If the owner, lessee, occupant, or person in charge or control of a premises fails to abate any nuisance after notice is provided, the City may abate the nuisance and charge the cost to the property, in the manner set forth in Chapter 107 of the Codified Ordinances.

903.02 PLAN REVIEW FOR FIRE PROTECTION SYSTEMS (SECTION 104.2.1 OFC).

(a) Section 104.2.1 OFC shall be modified regarding plan review for fire protection systems in structures regulated by the Building Code, as provided in Section 1301:7-7-45 OAC.

(b) All blueprints and plans, and all modifications and revisions to such plans received by the City's ~~Building~~Building and Housing Department shall be submitted for review by the Bureau of Fire Prevention. When submitted plans are found to conform to the provisions of this Fire Prevention Code, and all other codes adopted by the City pertaining to fire protection, fire safety extinguishment and life safety, such plans shall be stamped as approved for "Fire Regulations only." When plans are submitted which do not conform with such codes a list of all violations, with their corresponding

905.06 RIGHT OF ENTRY AND INSPECTION.

In addition to persons specified in Section 901.04(c) of this Fire Prevention Code, the Director of ~~Building~~Building and Housing or any of his assistants shall have the right of entry and inspection to inspect any incinerator and to ascertain compliance with this Fire Prevention Code.

905.07 ENFORCEMENT.

The Fire Chief, Director of ~~Building~~Building and Housing and Chief of the Fire Prevention Bureau or any of their assistants, as well as any member of the Police Department, may issue a citation and summons to any person violating any provision of this chapter. In addition thereto, any incinerator or other source of emission of air contaminant or any open burning of refuse in violation of this chapter, is hereby declared to be a nuisance and may be summarily abated pursuant to Chapter 107 of the Codified Ordinances, in addition to the prosecution and penalty provided for in this Fire Prevention Code.

905.08 CLOSING OF INCINERATORS.

(a) Any incinerator may be shut down by the Director of ~~Building~~Building and Housing, Fire Chief or Chief of the Bureau of Fire

Prevention for improper operation, malfunction, poor maintenance or any other reason, and shall not be used until all repairs or modifications are made and a proper permit obtained.

(b) Incinerators which are permanently banned from use shall have all openings, ash pits, chutes, loading doors and other openings permanently fixed in a closed or inoperable condition.

**909.02 INSTALLATION OF PHOTOELECTRIC DETECTORS REQUIRED; PLACEMENT;
DEVICES FOR HEARING IMPAIRED PERSONS; HARD-WIRED DETECTORS.**

(a) Owners of all dwellings shall install a minimum of one smoke detector adjacent to a sleeping area in each dwelling unit. At least one additional smoke detector shall be installed on each additional story of the dwelling, including the basement, but excluding any crawl space or unfinished attic. For one or two-family dwellings or multifamily dwellings with one or more split levels, a smoke detector on an upper level shall suffice for an adjacent lower level, provided that the lower level is less than one full story below the upper level. If a door intervenes between adjacent levels, a smoke detector shall be installed on both levels. In multifamily dwellings and two-family dwellings, smoke detectors shall be installed in all stairwells on each level, in all common space and hallways, and wherever else the Fire Department deems necessary. Smoke detectors shall be listed with an approved testing agency and shall be installed in a manner and location consistent with the manufacturer's instructions.

(b) Where a dwelling is occupied by a person who is deaf or hearing impaired, a smoke detector shall be installed by the owner which provides a visual or vibrating signal sufficient to warn the deaf or hearing impaired individual when activated.

(c) Any newly constructed dwelling shall have hard-wired smoke detectors, with battery backup, installed as required by the Ohio Building Code and the Ohio Fire Code. When alterations, repairs or additions requiring a Building permit occur and the value of such work is more than 50% of the assessed valuation or when all or most of the electrical wiring is being replaced, hard-wired smoke detectors, with battery backup, shall be installed. Wiring shall be permanent and without a disconnection switch, other than those required for over current protection.

(d) Battery-operated smoke detectors may be installed in existing one and two-family dwellings and multifamily dwellings, unless hard wired smoke detectors have been previously installed. Existing three-family, four-family or multi-family buildings may have installed battery operated smoke detectors, unless hard-wired smoke detectors have been previously installed. Any hard-wired smoke detectors must be maintained to operate as intended.

(e) All smoke detectors shall be listed with an approved testing agency. No smoke detector shall be hard-wired, with battery backup, unless plans for installation have been submitted to, and reviewed by, the Fire Chief or the Chief's designee and an electrical permit has been obtained from the Building and Housing Department.

(f) All smoke detectors and the installation shall be in compliance with most recent edition of the National Fire Protection Association (NFPA) Standard No. 72.

(g) Any primary smoke detector that is installed shall be a photoelectric smoke detector. In addition to the primary smoke detectors required to be installed by this Section, secondary smoke detectors may be installed to supplement the required primary detectors. An ionization or dual sensor smoke detector shall not be installed as the primary smoke detector.

(h) All smoke detectors shall be replaced no later than ten (10) years after the date of manufacture of the detector. The replacement of primary smoke detectors shall be with photoelectric smoke detectors.

(i) All primary smoke detectors shall be photoelectric smoke detectors either within five (5) years of the effective date of this ordinance, or within the time period for compliance with the requirements of Chapter 1415 of the Housing Code as set forth in Chapter 1415 and this Section, whichever occurs first.

(j) Prior to the transfer of the title of any residential property in the City, when such transfer is required to be approved by the City under Chapter 1415 of the Housing Code, the transfer shall not be approved by the Department of ~~Housing Inspection~~Building and Housing unless all primary smoke detectors in the property are photoelectric smoke detectors, or unless the primary smoke detectors are required to be replaced with photoelectric smoke detectors in the Certificate of Inspection issued by said Department. Any existing primary smoke detector that is not a photoelectric smoke detector shall be replaced with a photoelectric smoke detector prior to transfer of title or within the time period for compliance with the requirements of Chapter 1415.

PART THIRTEEN - BUILDING CODE
CHAPTER 1301
Administration

1301.05 ADMINISTRATION.

The Building Code shall be administered by the Director of Building and Housing and the Commissioner of Building and such assistants ~~to the Commissioner~~ as may be authorized and appointed according to the Charter and ordinances of the City.

1301.07 RULES AND REGULATIONS; PUBLICATION, EFFECT AND AMENDMENT.

(a) Promulgation. The ~~Commissioner of Building~~Director of Building and Housing or the Commissioner of Building may promulgate such rules and regulations as they ~~Commissioner~~ may determine are necessary to supplement or aid in the interpretation of the requirements of this Building Code, which regulations shall be consistent herewith.

(b) Publication and Appeal. No rule or regulation of the Director or Commissioner shall be effective until two (2) weeks after notice of intention to enforce it has been publicly posted, which may be by electronic means, published in a newspaper of general circulation within the City or posted in the manner provided for publication of ordinances and resolutions in Section 113.06 of the Administrative Code of the Codified Ordinances. ~~Any person may, in writing, during the period that the proposed rule is published or posted, appeal to the Board of Building Code Appeals, alleging that the proposed rule is unreasonable, arbitrary, confiscatory or contrary to the provisions of the Building Code.~~

(c) Effect. Rules and regulations promulgated as herein provided shall have the same force and effect as provisions of this Building Code.

(d) Amendment. Any rule or regulation may be amended or replaced by the same procedure as prescribed for the adoption of new rules.

1301.08 VIOLATIONS AND REMEDIES.

(a) Notice of Violation. If the Commissioner finds that a permit has not been obtained, that work or equipment is contrary to approved plans, construction documents and/or applicable codes, or that any other violation of this Code exists at a property or activity subject to this Code, the Commissioner may serve a written notice of violation on the owner, agent, tenant, and/or person responsible, including a contractor, for the violation and/or for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of the property. Such notice shall be sent to the owner, agent, tenant and/or person responsible for the property and/or

the work, and shall state where and in what respect the work or equipment does not conform to the approved plans or documents or the applicable codes. The notice shall specify a reasonable period of time in which to conform to said plans, documents or codes. Before work can continue at the property at which a violation has been found the violation shall be corrected, including the resubmission of the plans or drawings and specifications for approval as required under this Code.

- (1) The notice of violation must contain a cite to the law or rules directly involved and shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with this Code; and
- (2) The notice of violation must include notice of the procedure for appeal and, in the case of residential buildings for one, two, or three families, the right to a hearing before the City's Board of Building Appeals if requested within thirty (30) days of the mailing of the notice. The notice shall inform the party that at the hearing, the party may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the party.

(b) Order to Abate a Violation; Stop Work Order.

- (1) Whenever the Commissioner finds that any work regulated by this Code has been or is being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the Commissioner is authorized to issue an Order to Abate the Violation and/or a stop work order. Such an Order may also be issued whenever the Commissioner finds, after inspection, that the site preparations or structure to be constructed, or in the case of an industrialized unit, the installation of the unit, or that the use of an appliance, materials, assemblage, or manufactured product, does not comply with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code, or the rules adopted pursuant thereto as they exist at the time of the enactment of this section and as they may be hereafter amended. The effect of such an Order shall be limited to the matter specified in the Order.
- (2) An Order to Abate and/or a Stop Work Order shall be in writing and shall be given to the owner of the property, the owner's agent, the person responsible for the property, and/or the person doing the work. Upon issuance of an Order to Abate the cited work shall be corrected and brought into compliance as required in the Order and in this Code. The Order to Abate shall state the reason for the order, and the conditions under which the cited work will be approved. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- (3) No person shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition. Failure to cease work after receipt of a Stop Work Order is hereby declared a public nuisance. (OBC 114)

(c) Compliance. Upon the issuance of a Notice of Violation, and Order to Abate or a Stop Work Order, the person receiving the Notice or Order shall correct the violation and/or shall cease or cause to cease the work upon the site preparations or structure to be constructed or shall cease or cause to

cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Section 3781.19 of the Ohio Revised Code or this Code, and all further appeals from such initial appeal, have been completed, or the notice or order has been rescinded by the Commissioner.

(d) Prosecution and Penalty. When any violation of this Code exists, including when any person fails to comply with a Notice of Violation, an Order to Abate and/or a Stop Work Order, the person committing the violation or failing to comply with the Notice or Order may be prosecuted. A person convicted for any violation of this Code shall be guilty of and subject to the penalties for a first degree misdemeanor. Each day of such violation or failure to comply shall constitute a separate offense.

(e) Alternative Enforcement. In addition to or in lieu of a prosecution for a violation of this Code, the City may also seek in a court of law an order or injunction requiring an owner, agent or person responsible for compliance with this Code to comply with the provisions of the Code, or with any Notice or Order served pursuant to this Code. Such action may also seek an order to prevent the occupation or use of the property, including any building or other structure, and/or to prevent or terminate any violation of this Code.

(f) Failure to Comply With Notice or Order; Remedy. If a person fails to comply with a Notice of Violation or Stop Work Order, and the time of appeal has expired then the construction documents required pursuant to Section 3791.04 of the Ohio Revised Code are deemed not to have been filed and approved, and the provisions of (c) above apply.

(g) Resident Agent. If the owner of any commercial or office structure is not a resident of Cuyahoga County, Ohio, such owner shall designate and file with the ~~Commissioner of Building~~Director of Building and Housing the name, address, and telephone number of an agent who is a resident of Cuyahoga County for the purpose of receiving all notices of inspection, orders or otherwise from the City of Shaker Heights relative to such structure. Service of notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent to the last known address of the owner. Notice may also be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such posted notice without the written permission of the ~~Commissioner of Building~~Director of Building and Housing.

CHAPTER 1303 Building Permits

1303.01 WHEN PERMITS REQUIRED.

(a) A building permit shall be obtained from the ~~Commissioner~~Director of Building as required by the Ohio Building Code ("OBC"), as set forth in Sections 3783 and 3791 Ohio Revised Code, and the Residential Code of Ohio for One, Two and Three Family Dwellings ("RCO") as set forth in the Ohio Administrative Code at Sections 4101:8-1 to 4101:8 - 43 before proceeding with any excavation for or the construction, alteration, repair, moving or demolition of any building or appurtenant structure.

(b) A separate permit shall be obtained for signs, electrical work, plumbing work, heating appliances and any other equipment installation that is regulated by this Building Code.

1303.02 PERMIT APPLICATION.

An application for a building permit, signed by the owner or his authorized agent, shall be filed with the ~~Commissioner~~Director of Building on a form furnished by the ~~Commissioner~~Director.

1303.04 DESIGN DATA.

Sufficient data to show the adequacy of the design shall be submitted when required by the CommissionerDirector of Building. ~~The Commissioner~~He may require and accept an affidavit from a registered architect or registered professional engineer, stating that the design conforms to the provisions of this Building Code.

1303.05 PERMIT ISSUANCE.

(a) Approval. ~~If the CommissionerDirector~~ of Building is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to and comply with the requirements of the Architectural Board of Review, this Building Code, the Zoning Code, and other pertinent laws and ordinances, and upon payment of the required fee, ~~the Commissioner~~he shall issue or authorize the issuance of a permit.

(b) Disapproval. ~~If the application for a permit and the plans and specifications filed therewith describe work which does not conform to the requirements of this Building Code or other pertinent laws or ordinances, or does not contain sufficient information, the CommissionerDirector~~ shall not issue a permit but shall return the plans and specifications to the applicant with ~~the Commissioner's~~his refusal to issue such permit. ~~The CommissionerDirector~~ shall give in writing such reasons for rejection.

1303.06 CONDITIONS OF PERMIT.

A permit issued shall be construed to be a license to proceed with the work. ~~It shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this Building Code or other applicable laws, ordinances, rules or regulations, nor shall such issuance of a permit prevent the CommissionerDirector~~ of Building from thereafter requiring a correction of errors in plans or in construction or of violations of this Building Code or of other applicable laws, ordinances, rules or regulations. The ~~CommissionerDirector~~ shall not incur any personal liability or expense upon the City nor shall the ~~CommissionerDirector~~ or the City be estopped to enforce this Building Code or the Zoning Code, or be deemed to have waived any defects or violations of law by virtue of ~~the Commissioner's~~his prior approval of any plan or specification later determined by ~~the Commissioner~~him or any other authority to be in contravention of this Building Code or other applicable laws, ordinances, rules or regulations.

1303.07 APPROVED PLANS.

When the permit is issued, the ~~CommissionerDirector~~ of Building shall endorse in writing or stamp on all sets of plans and specifications, "Approved", with date and signature. ~~Such approved plans and specifications shall not be changed, modified or altered in any manner without authorization from the CommissionerDirector, and all work shall be done in accordance with the approved plans and specifications. One (1) set of approved plans and specifications shall be retained by the CommissionerDirector. One (1) approved set shall be kept at the site of work at all times while the work is in progress and shall be open to inspection at all reasonable times by the Commissioner Director or the Commissioner's~~his authorized representatives.

CHAPTER 1305

Fees

1305.01 BUILDING PERMITS REQUIRED; ISSUANCE AND FEES.

The owner, agent, lessee, party in control, contractor or other person performing or authorizing work included in this Section shall obtain the permit listed in this Section and pay the established fee. The Commissioner

~~Director~~ of Building shall authorize the issuance of the permits required by this Building Code and shall collect the established fees in accordance with the following schedule. All floor areas shall be calculated from plan dimensions, using outside measurements.

(a) Building Permits.

(1) New building construction and additions:

A. The fee shall be the number calculated by multiplying the square footage of the new floor area in all stories for the given use group and construction type, by the multiplier listed in the following table:

USE GROUP	DESCRIPTION	CONSTRUCTION TYPE									
		1A	1B	2A	2B	2C	3A	3B	4	5A	5B
A-1	Assembly, Theaters	1.03	1.01	0.98	0.96	0.91	0.85	0.88	0.88	0.79	0.76
A-2	Assembly, Nightclubs	0.78	0.77	0.74	0.73	0.68	0.65	0.64	0.69	0.58	0.56
A-3	Assembly, Restaurant	0.77	0.76	0.73	0.70	0.68	0.63	0.62	0.68	0.56	0.55
A-4	Assembly, Churches	0.97	0.95	0.92	0.89	0.85	0.79	0.79	0.81	0.73	0.70
B	Business	0.71	0.70	0.67	0.65	0.61	0.55	0.55	0.58	0.49	0.47
E	Educational	0.77	0.76	0.73	0.70	0.66	0.61	0.59	0.62	0.55	0.53
F-1	Factory Mod. Hazard	0.47	0.45	0.43	0.40	0.35	0.33	0.34	0.34	0.28	0.26
F-2	Factory, Low Hazard	0.46	0.44	0.42	0.40	0.34	0.33	0.33	0.33	0.28	0.25
H	High Hazard	0.46	0.44	0.42	0.40	0.34	0.32	0.32	0.33	0.27	0.25
I-1	Institutional, Supervised	0.67	0.65	0.62	0.61	0.58	0.53	0.53	0.61	0.48	0.47
I-2	Institutional, incapacitated	1.03	1.01	0.98	0.97	0.92	0.87	---	0.90	0.82	--
I-3	Institutional, Restrained	0.96	0.94	0.91	0.89	0.86	0.80	0.80	0.83	0.75	--
M	Mercantile	0.61	0.59	0.58	0.54	0.51	0.47	0.46	0.52	0.40	0.39

R-1	Residential , Hotel	0. 71	0. 70	0.67	0. 65	0.6 1	0. 58	0.5 8	0. 66	0. 50	0. 49
R-2	Residential , Multi- Family	0. 64	0. 62	0.60	0. 58	0.5 5	0. 51	0.4 9	0. 58	0. 44	0. 43
R-3	Residential , 1, 2 & 3 Family	0. 55	0. 53	0.52	0. 50	0.4 7	0. 46	0.4 5	0. 48	0. 43	0. 39
S-1	Storage, Mod. Hazard	0. 44	0. 43	0.41	0. 38	0.3 3	0. 31	0.3 2	0. 32	0. 25	0. 23
S-2	Storage, Low Hazard	0. 44	0. 42	0.40	0. 38	0.3 2	0. 31	0.3 1	0. 31	0. 25	0. 22

B. The minimum fee shall be \$75.00 for residential and \$125.00 for commercial new construction and additions.

C. The multiplier for residential garages and unfinished basements shall be 0.12.

D. The multiplier for finished basements for all use groups shall be 0.24.

(2) The fee for alterations and repairs to any residential building shall be calculated according to valuation (i.e. cost) of repair or alteration as estimated by the ~~Commissioner~~Director of Building:

A. Per \$1,000 of valuation: \$5.00

B. Minimum: \$75.00

(3) The fee for alterations and repairs to any commercial building, shall be calculated according to valuation as estimated by the ~~Commissioner~~Director of Building:

A. Per \$1,000 of valuation: \$10.00

B. Minimum: \$125.00

(4) The fee for each re-inspection made necessary by faulty or incomplete work: \$30.00

(5) The fee for moving any building:

A. On dollies or rollers on any public street or portion thereof: \$1,000.00

B. On carry-all on any public street or portion thereof: \$500.00

C. Without traversing any public street or portion thereof: \$100.00

D. Maximum cost for additional inspections and supervision, as may be required by the nature of the work and time involved per hour: \$50.00

(6) The fee for demolition of all types of buildings shall be:

A. For each 1,000 square feet of floor area in all stories: \$5.00

B. Minimum:
1. Residential: \$50.00
2. Commercial: \$100.00

C. Fee may be waived if structure is being replaced with structure approved by Architectural Review Board.

~~(b) Obstruction Permits. All deposits subject to increases if nature of work warrants, or if damage during construction exceeds deposit:~~

(1)	Deposit on all new house work up to lots of 100 ft. frontage, minimum:	\$1,000.00
(2)	Deposit on other new work and house work on lots with 100 ft. frontage, minimum:	\$1,500.00
(3)	Each additional 100 ft. or fraction thereof:	\$1,000.00
(4)	Fee deducted for two regular inspections:	\$30.00
(5)	Fee deducted for each additional inspection requested by owner or made necessary by incomplete work:	\$15.00

~~Deposits for tree lawn openings, street openings, etc., depend on nature of work and are estimated by Director of Public Works accordingly.~~

(be) Excavation Permits. See Chapter 153 of the Codified Ordinances.

(1)	Deposit for hauling excavated material over City streets:	\$200.00
(2)	Fee deducted for each regular inspection:	\$30.00
(3)	Fee deducted for each extra inspection due to incomplete work:	\$15.00

~~(d) Curb Cutting Permits.~~

~~New construction:~~

(1)	Per foot:	\$2.00
(2)	Minimum:	\$20.00
(3)	Minimum for widening:	\$10.00
(4)	For each reinspection made necessary by faulty or incomplete work:	\$5.00

~~Curb is either cut or removed by the City at its option.~~

(ce) Parking Lot and Driveway Permits.

(1)	Installation of and repairs to parking lots and commercial driveways up to 3,000 square feet:	\$75.00
A.	For each 1,000 square feet or fraction of in excess of 3,000 square feet:	\$5.00
(2)	Installation or replacement of residential driveway:	\$65.00
(3)	Repairs to asphalt or concrete residential driveway:*	\$50.00
(4)	For each re-inspection made necessary by faulty or incomplete work:	\$30.00

* Does not apply to crack filling or sealcoating.

(df) Concrete, Sandstone or Other Materials Permits.

(1)	Fee for new driveway apron or replacement within public right-of-way (see Chapter 155 of the Codified Ordinances):	\$35.00
(2)	Fee for new or replacement blocks of sidewalk within public right-of-way:*	\$35.00
(3)	Fee for new or replacement blocks of sidewalk on private property:	\$35.00
(4)	For each re-inspection made necessary by faulty or incomplete work:	\$5.00

* Requirement to obtain a permit may be waived for work performed under contract with the City.

(eg) Electrical Permits.

(1)	New building construction and additions:	
A.	Residential	
1.	Base fee:	\$75.00

	2.	Plus fee per 100 S.F. of floor area, all floors:	\$10.00
	B.	Commercial	
	1.	Base fee:	\$125.00
	2.	Plus fee per 100 S.F. of floor area, all floors:	\$5.00
(2)		Alterations and repairs:	
	A.	Residential	
	1.	Base fee:	\$75.00
	2.	Each light fixture or switch, receptacle outlet, circuit breaker:	\$1.00
	3.	Each electrical appliances requiring 220 volts or greater:	\$5.00
	4.	Each panel, subpanel, A/C condenser, etc.:	\$5.00
	5.	Each transformer:	\$5.00
	B.	Commercial	
	1.	Base fee:	\$125.00
	2.	Each light fixture or switch, receptacle outlet, circuit breaker:	\$1.00
	3.	Each electrical appliance requiring 220 volts or greater:	\$5.00
	4.	Each panel, subpanel, A/C condenser, etc.:	\$5.00
	5.	Each transformer:	\$5.00
(3)		Motors or generators:	
	A.	Per H.P.:	\$5.00
	B.	Maximum:	\$50.00
	C.	X-ray machines:	\$10.00
(4)		Each inspection made necessary by faulty or incomplete work:	\$30.00
(fh)		<u>Plumbing Permits.</u>	
	(1)	Residential	
	A.	New building construction and additions:	
	1.	Base fee:	\$75.00
	2.	Per 100 square feet of floor area, all floors:	\$10.00
	B.	Alterations and repairs:	
	1.	Base fee:	\$75.00
	2.	Per fixture:	\$3.00
	C.	Relay water line to house or repipe interior of house:	\$75.00
	D.	New sewer connection, including laying of sewers connected thereto:	\$75.00
	E.	Alter, repair, or relay sewer to building, per storm or sanitary sewer:	\$75.00
	F.	Clean storm or sanitary sewer:	\$15.00
	G.	Each inspection made necessary by faulty or incomplete work:	\$30.00
	H.	Waterproofing (interior/exterior):	\$75.00
(2)		Commercial.	
	A.	For permits for new building construction and additions:	
	1.	Base fee:	\$125.00
	2.	Per 100 square feet of floor area, all floors:	\$5.00
	B.	Permits for alterations:	
	1.	Base fee:	\$125.00

	2. Per fixture:	\$3.00
	C. For each permit to relay water line to building or repipe interior of building:	\$125.00
	D. For each permit to make new sewer connection, including laying of sewers connected thereto:	\$125.00
	E. For each permit to alter, repair, or relay sewer to building ea. storm and sanitary:	\$125.00
	F. For each permit to clean sewer, storm or sanitary:	\$15.00
	G. For each inspection made necessary by faulty or incomplete work:	\$30.00
	H. Waterproofing (interior/exterior):	\$125.00
(g±)	<u>Heating Permits.</u>	
	(1) New building construction and additions:	
	A. Base fee:	
	1. Residential:	\$75.00
	2. Commercial:	\$125.00
	B. Per 100 square feet of floor area, all floors:	
	1. Residential:	\$10.00
	2. Commercial:	\$5.00
	(2) Replace existing heating units or to add additional units to existing structures; including adding ductwork for each unit:	
	A. Up to 250,000 BTU:	\$75.00
	(3) New or replacement of combination units (rooftop) for heating and air conditioning:	
	A. Each unit:	\$150.00
(h±)	<u>Air Conditioning Permits (for combination unit see above).</u>	
	<u>Installation of each air conditioning unit:</u>	
	(1) Residential:	
	A. Each unit:	\$75.00
	(2) Commercial:	
	A. Each unit:	\$125.00
	(3) Each inspection necessary due to faulty or incomplete work:	\$30.00
	(4) Rooftop or interior chiller units:	
	A. Each unit:	\$100.00
(i*)	<u>Fence Permits for Fences Six Feet in Height or Higher.</u>	
	(1) Erect any fence authorized by the Zoning Ordinance:	\$75.00
	(2) Each re-inspection necessary due to faulty or incomplete work:	\$10.00
(j±)	<u>Sign Permits. (Electrical permit required for illuminated signs)</u>	
	(1) Initial erection, installation or painting of each permanent sign (per square feet):	\$1.00
	A. Minimum:	\$45.00
	(2) Re-erect, reinstall, rehang, repaint, repair or alter sign:	\$45.00
	(3) Relocate or alter a permitted residential sign:	\$10.00
	(4) Each mural:	\$100.00
	(5) For each re-inspection necessary due to faulty or incomplete work:	\$10.00
(km)	<u>Factory-Built Fireplace or Stove.</u>	\$50.00

- (~~l~~) Roof Reconstruction or Replacement.
 - (1) Residential: \$75.00
 - (2) Commercial: \$75.00
- (~~m~~) Permits for Aluminum or Vinyl Siding.
 - (1) Residential: \$75.00
 - (2) Commercial: \$75.00
- (~~n~~) The Director of ~~Building~~Building and Housing shall waive the fee for a contractor who does work only for the City on City owned, occupied or leased facilities.
- (~~o~~) Plan Review Fee. The fee for a plan review shall be the actual cost to the City, whether the plan review is performed by City staff or by a professional plan review contractor hired to perform the plan review. The fee for each review shall be as determined by the ~~Commissioner~~Director, based on the amount the City is required to pay for the plan review or the actual cost for the City to perform the review. A deposit to cover the expected cost of the plan review, in an amount determined by the ~~Commissioner~~Director, must accompany any application for a plan review. The ~~Commissioner~~Director may determine the form of the deposit required for each application.
- (~~p~~) A three percent (3%) surcharge is collected on all fees subject to the Ohio Building Code i.e., plan review, building permits, mechanical permits, electrical permits, plumbing permits, sprinkler permits.
- (~~q~~) A one percent (1%) surcharge is collected on all fees subject to the Residential Code of Ohio for One-, Two- and Three-Family Dwellings ("RCO") that are imposed for acceptance and approval of plans and specifications and for the making of inspections, which shall be collected from and after the date the City is notified that it has been certified to enforce the RCO by the State of Ohio.

1305.02 REFUND OF DEPOSITS AND FEES.

Any person to whom a permit has been issued under any provision of this Building Code, upon the payment of the deposit and fee hereby required for such permit, and who surrenders such permit before the expiration thereof and before any work has been done thereunder, and gives written notice to the ~~Commissioner~~Director of Building of ~~that person's~~his intention not to proceed with such work, shall be entitled to a partial or entire refund of the deposit and fee paid by ~~such person~~him in connection with the issuance of such permit as follows:

<u>Permit Fee</u>	<u>Refund (Percent)</u>
Building	75
Heating	35
Sign	100
All others	0 (Nonrefundable)

**CHAPTER 1307
Inspections**

1307.01 RIGHT OF ENTRY AND INSPECTION.

(a) The Director of ~~Building~~Building and Housing or any of ~~the Director's~~his assistants may at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the City to perform any duty imposed on ~~the Director~~him by this Building Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or ~~the owner's~~his agent. —If such permission is refused or is otherwise unobtainable, a search warrant must be

obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.

(b) No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

1307.02 EXISTING BUILDING EXAMINATION.

Before issuing a permit, the ~~Commissioner~~Director of Building may examine the building for which an application has been received for a permit to enlarge, alter, repair, move or demolish.

1307.03 AT SITE.

(a) The ~~Commissioner~~Director of Building shall inspect all buildings at the following periods of construction:

- (1) Installation of footing drains, building drains and building sewers.
- (2) Completion of foundation and waterproofing.
- (3) During the framing of the superstructure.
- (4) Completion of roughing-in the plumbing, electrical wiring, gas piping, heating ducts or piping, or other similar service installations regulated by this Building Code.
- (5) Before closing in all structural elements.
- (6) Upon the final completion of the structure.

(b) He may also inspect such building at any time as he may determine to be necessary or desirable.

1307.04 AT POINT OF MANUFACTURE.

When deemed necessary by the ~~Commissioner~~Director of Building, he shall make an inspection of materials and assemblies at the point of manufacture or fabrication.

1307.05 SPECIAL INSPECTOR FOR UNUSUAL HAZARDS.

The ~~Commissioner~~Director of Building may require that the owner employ a special inspector who shall be present at all times during the mixing and depositing of cast-in-place reinforced concrete or reinforced gypsum, the riveting, welding, or bolting of structural steel, or on any work involving unusual hazards or requiring constant inspection. —The special inspector shall be a qualified person approved by the ~~Commissioner~~Director. —~~The Special inspector~~He shall submit a copy of ~~that inspector's~~his report to the ~~Commissioner~~Director in writing, describing the progress and indicating the quality of the work and other information as required.

1307.06 ADDITIONAL FEES FOR ARCHITECTURAL REVIEW.

In addition to the provisions of Chapter 1305 of this Building Code fixing fees to be charged in connection with the issuance of building permits, the Director of ~~Building~~Building and Housing shall charge and collect from the permit applicant, such amount as shall reimburse the City for expenses incurred in connection with extraordinary and supplemental architectural or engineering review of building plans. —Such extraordinary or supplemental review of plans may be ordered by the Director when, in ~~the Director's~~his opinion, the nature and complexity of the plans, other than for one or two-family dwellings or detached garage plans, require additional and comprehensive architectural or engineering review for the protection of the public safety, health or welfare.

CHAPTER 1309
Architectural Board of Review

1309.99 ENFORCEMENT AND PENALTY.

(a) Enforcement of this chapter shall proceed as set forth in Section 1301.08 of the Building Code, and such enforcement may be initiated by the Director of Building and Housing or the Director's designee, or the Commissioner of Building or the Commissioner's designee, in the ~~Building~~Building and Housing or another department of the City.

(b) Any person who fails to comply with any provision of this chapter shall be deemed strictly criminally liable, and shall be found guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99 of the Administrative Code.

CHAPTER 1311
Board of Building Code Appeals

1311.03 POWERS.

The Board of Building Code Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

- (a) Affirm or reverse, in whole or in part, or modify any decision of the Director of Building and Housing or Commissioner of Building 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 or 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 or regulation of the Commissioner supplements or aids in the interpretation of the requirements of this Building Code or is consistent therewith, and affirm, amend, modify or nullify any such proposed rule or regulation.
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualifications of any person performing work or providing services under this Building Code.
- (g) Report and recommend to Council any amendment, deletion or addition to this Building Code.

1311.06 ANNUAL REPORT.

The Board of Building Code Appeals shall submit a report to the Mayor and Council not less than once a year covering the meetings and a summary of the decisions of the Board during the preceding period, with recommendations as to desirable amendments to the Building Code or to the rules and regulations issued by the Director of Building and Housing or Commissioner of Building.

1311.07 RIGHT TO APPEAL OR HEARING.

Any person, any City officer or official, or any public body aggrieved by the action of the Director of Building and Housing or the Commissioner of Building may take an appeal to the Board of Building Code Appeals, except for any matter regarding enforcement of the Ohio Building Code ("OBC"). Any appeal taken from a matter subject to the OBC shall be taken to the State's Board of Building Appeals. The Commissioner, any City officer or official, any public body, or any member of the Board may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Building Code, or may request the Board to review or interpret any provision of this Building Code.

1311.11 VARIATIONS AND MODIFICATIONS.

The Board of Building Code Appeals, after public hearing, may vary the applications 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 purpose of this Building Code or public interest, or when, in its opinion, the interpretation of the Director of Building and Housing or the Commissioner of Building 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.

1311.12 COMPLIANCE ACTION BY DIRECTOR OF BUILDING AND HOUSING OR THE COMMISSIONER OF BUILDING.

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

**CHAPTER 1321
Building Code Supplementary Provisions**

1321.07 PRIVATE DRIVEWAYS, PARKING LOTS AND PARKING AREAS.

(a) All private driveways, turning areas, parking areas and parking lots shall be smoothly graded, adequately drained and hard surfaced, and the location, area, design and grade of all such driveways, parking areas and parking lots shall be subject to the approval of the Architectural Board of Review and the Commissioner of Building.

(b) No private driveway, turning area, parking area or parking lot shall be constructed, laid, reconstructed or changed as to location, materials or drainage facilities until a permit has been issued by the Commissioner of Building, after approval of the plans and specifications by the Architectural Board of Review and payment of the required fee.

(c) Approval of such plans and specifications shall be granted if:

- (1) The materials and specifications indicated are adequate as to wearing and weathering quality.
- (2) The grade, contour and drainage facilities prevents the drainage of surface water onto neighboring property, into or toward buildings, or onto sidewalks.
- (3) Landscaping plans are adequate to properly screen parking areas from neighboring properties so as to reduce nuisances from lights and noise, and on residence properties to maintain an adequate and normal balance between lawns and landscaped areas and paved areas.

(d) The ~~Building~~Building and Housing Department shall supervise the installation of such driveways and parking facilities and shall be given at least twenty-four (24) hours' notice of the time of performing such work.

CHAPTER 1331
Flood Damage Prevention

1331.03 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas", and the "Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas," both effective December 3, 2010, and any revisions thereto, are hereby adopted by reference and declared to be a part of this Chapter.

(b) Other studies and/or maps 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.

(c) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City, as required by this Chapter for Subdivisions and Large Scale Developments, 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.

(d) All documents referenced in this Section shall be maintained on file for public inspection in the Department of ~~Building~~Building and Housing.

CHAPTER 1333
Paint Removal and Exterior Surface Cleaning

1333.04 NOTICE TO NEARBY OWNERS OR OCCUPANTS.

(a) This section applies to each person doing work described in Section 1333.01(b), identified below as the paint remover.

(b) No later than five (5) days prior to the commencement of work, the paint remover shall deliver by residence service a written notice to the owner or occupant of each of the adjacent lots or parcels of land affected. For the purpose of this section, the adjacent lots or parcels of land affected shall be determined by establishing a set of imaginary lines parallel to and ten (10) feet outside of each lot line of the subject property. The first lots or parcels of land located in any direction within the lot lines so extended shall be considered to be the adjacent lots or parcels of land affected. The paint remover shall certify to the Commissioner of Building the date of delivery and the addresses. The written notice shall be in the form required by subsection (c) hereof.

(c) The written notice shall include but not be limited to the following information:

- (1) The address upon which the paint remover is performing the work;
- (2) The name(s) of the owner(s) of the address upon which the paint remover is performing the work;
- (3) The estimated beginning and ending date of the work;
- (4) The method of paint removal;
- (5) The hours of operation;
- (6) Specific circumstances of the job which may affect the normal flow of traffic near the job site or be in conflict with the Traffic Code of the City;
- (7) The name, address, telephone number, and contact person of the paint remover; and
- (8) For abrasive stripping and cleaning and power sanding of

more than twenty-five percent (25%) of any exterior wall, the following statement: "This process may result in debris falling on your property. The operation of the equipment may result in loud noise. The hours of operation of the equipment are limited to 8:30 a.m. to 4:00 p.m. on weekdays, excluding holidays. We recommend that you keep small children and pets away from the work area and any other area where debris may be falling. We recommend that you close your windows and doorways in an area where debris may be falling. If you have any complaint concerning noise level or damage to your property, please contact the person listed above. For abrasive stripping and cleaning, the City is requiring complete enclosure of the area being worked on. If you see any leakage, or seek additional information on this subject, please contact the Building and Housing Department of the City of Shaker Heights, 491-1460".

(d) During the twenty-four (24) hours immediately prior to the commencement of work, the paint remover shall advise each adjacent owner, either orally or in writing, to close all windows, doorways, or other openings in their structures.

1333.06 NUISANCE CONDITIONS PROHIBITED.

(a) The following conditions are declared to constitute nuisances:

- (1) Failure to obtain a permit as required by Section 1333.02;
- (2) Noise in excess of that allowed by Chapter 755, dust, debris, or inconvenience to neighbors as caused by the removal of paint from, more than twenty-five percent (25%) of any exterior wall surface of residential or nonresidential structures within the City;
- (3) Any work performed in violation of any section of this Code; or
- (4) Any failure to comply with any order of the Director of Building and Housing or the Commissioner of Building or their designees.

(b) Any such nuisance found by the Director of Building and Housing or the Commissioner of Building or their designees may be abated by the City and the cost of the abatement assessed in the manner provided by Chapter 107 of the Administrative Code.

(c) These nuisance provisions may be applied in addition to or in the alternative to any remedies listed in the Building Code.

1333.07 APPEAL TO BOARD OF BUILDING CODE APPEALS.

Any person affected by a decision or order of the Director of Building and Housing or the Commissioner of Building may appeal to the Board of Building Code Appeals pursuant to its powers set forth in Section 1311.03 and in accordance with the procedures set forth in Chapter 1311 of the Building Code.

1333.08 INTERPRETATION OF CHAPTER.

(a) Nothing contained in this chapter shall be deemed to exempt the applicant or permittee from the provisions of any other section of these Codified Ordinances, or from the payment of any other fee or from the necessity of obtaining any other permit required under these Codified Ordinances.

(b) The Director of Building and Housing or the Commissioner of Building may designate other employees of the Building and Housing Department to perform any of the duties described in the Building Code.

PART FOURTEEN - HOUSING CODE
CHAPTER 1403
Purposes and Scope

1403.08 ENFORCEMENT BY LEGAL ACTION.

The imposition of any penalty as provided for in this Housing Code shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, to require compliance with the provisions of this Housing Code or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Director of ~~Housing Inspection~~Building and Housing, the Mayor, the Board of Building Code Appeals or the Board of Zoning Appeals.

CHAPTER 1407
Definitions

1407.02 APPROVED.

"Approved" means approved by the Director of ~~Housing Inspection~~Building and Housing, pursuant to this Housing Code, or approved by any other person or board designated by City ordinances to give approval to the matter in question.

1407.05 DIRECTOR OF ~~HOUSING INSPECTION~~BUILDING AND HOUSING.

"Director of ~~Housing Inspection~~Building and Housing" ~~means the Director of Housing Inspection of the City of Shaker Heights and, when used herein,~~ shall be construed as though followed by the words "or the Director's~~his~~ authorized agent or representative".

CHAPTER 1409
Enforcement and Penalty

1409.01 INSPECTION.

The Director of ~~Housing Inspection~~Building and Housing is authorized to make or cause to be made inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Housing Code.

1409.02 RIGHT OF ENTRY AND INSPECTION.

(a) The Director of ~~Housing Inspection~~Building and Housing or any of his assistants may at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the City to perform any duty imposed on him by this Housing Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.

(b) No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

1409.03 NOTICE OF VIOLATION; DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING NOTICE.

(a) Whenever the Director of ~~Housing Inspection~~Building and Housing finds any dwelling, structure or premises, or any improved real estate, or any part thereof, to be in violation of the provisions of this Housing Code, the Director shall give or cause to be given or mailed to the owner, agent or occupant of such structure or premises a written notice stating the violation therein. Such notice shall order the owner, agent or occupant within a stated reasonable time, to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice.

(b) If the owner of any improved real estate is not a resident of Cuyahoga County, such owner shall designate and file with the Director of ~~Housing Inspection~~Building and Housing the name, address and telephone number of an agent who is a resident of Cuyahoga County for the purpose of receiving all notices of inspection, orders, or otherwise from the City relative to such improved real estate. If the agent is a business entity, domestic or foreign, using a name other than an individual's own personal name, the owner shall provide proof that the agent is registered with the Ohio Secretary of State as required by Title XVII of the Ohio Revised Code. Service of notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent to the last known address of the owner. Notice may also be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such posted notice without the written permission of the Director of ~~Housing Inspection~~Building and Housing.

1409.04 NONCOMPLIANCE WITH NOTICE.

(a) Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Director of ~~Housing Inspection~~Building and Housing or his designated representative, the Director of ~~Housing Inspection~~Building and Housing or such designated representative may issue a notice to such owner, agent, occupant or operator ordering the structure or premises, or part thereof, to be vacated, repaired or improved within such time as shall be stated in such notice, but which shall be not less than ten (10) days, except in cases of emergency, or the Director of ~~Housing Inspection~~Building and Housing or his designated representative may advise the Director of Law of the circumstances and request the Director of Law to institute an appropriate action at law to compel compliance, or both. Such notice shall be delivered, mailed or posted in the same manner as provided in Section 1409.03. (Ord. 79-7. Enacted 1-22-79.)

(b) Whenever the owner, agent, operator or occupant of a structure or premises fails, neglects or refuses to comply with a notice to vacate issued by the Director of ~~Housing Inspection~~Building and Housing, the Director of ~~Housing Inspection~~Building and Housing may enforce the orders of such notice of vacation and cause the structure or premises, or part thereof, to be vacated in accordance with the terms of such notice.

(c) Whenever the owner, agent or operator of a structure fails, neglects or refuses to comply with a notice to demolish such structure or part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this Housing Code, and when such structure or part thereof is determined by the Director of ~~Housing Inspection~~Building and Housing to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Director of ~~Housing Inspection~~Building and Housing may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Director of ~~Housing Inspection~~Building and Housing shall

further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1409.03.

(d) Any owner of any such property as to which such an order or notice to repair, improve, demolish or vacate has been issued shall not sell or enter into an agreement to sell or lease such property for longer than one (1) year unless such order of the Director of ~~Housing Inspection~~Building and Housing has been disclosed and displayed to the prospective purchaser or lessee, or unless such owner has received notice from the Director of ~~Housing Inspection~~Building and Housing of satisfactory compliance with such order or notice from the Director of ~~Housing Inspection~~Building and Housing or other duly constituted authority that such order has been withdrawn or cancelled.

1409.05 CASES OF EMERGENCY.

Whenever, in the opinion of the Director of ~~Housing Inspection~~Building and Housing or the Commissioner of Building, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, ~~the Director or Commissioner~~ he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof. Such notice shall be served in the manner provided in Section 1409.03, but shall require immediate compliance.

1409.06 PLACARDS.

Whenever the Director of ~~Housing Inspection~~Building and Housing orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such vacation order. ~~No~~ person shall deface or remove such placard without the written permission of the Director of ~~Housing Inspection~~Building and Housing until the repair or demolition are completed. ~~No~~ person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

1409.08 RULES AND REGULATIONS.

(a) The Director of ~~Housing Inspection~~Building and Housing is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Housing Code. ~~Such~~ rules and regulations shall not conflict with nor waive any provisions of this Housing Code or any other ordinance of the City. ~~Such~~ rules and regulations shall be submitted to the Board of ~~Housing Code~~ Appeals for approval and no such rule or regulation shall be adopted without such approval.

(b) Such rules and regulations, upon approval of the Board, shall be on file with the Director of ~~Housing Inspection~~Building and Housing for public examination, and a copy of such rules and regulations shall be posted publicly, which may be electronically, ~~on the bulletin board of the main entrance of the Shaker Heights City Hall for at least five (5) days.~~ ~~Such~~ rules and regulations shall have the force and effect of this Housing Code and shall continue in effect until revoked by the Director of ~~Housing Inspection~~Building and Housing with the approval of the Board, or by action of Council.

1409.09 RIGHT OF APPEAL.

The owner, agent or operator of any structure or premises shall have the right to appeal from any order of, or written notice issued by the Director of ~~Housing Inspection~~Building and Housing, except for those orders or notices issued for a violation of Section 1409.98, within thirty days from the date such notice was given or mailed, or such order was issued, and to

appear before the Board of ~~Housing Code~~ Appeals, at a time and place fixed by the Board, to show cause why he should not comply with such notice. Appeals from orders or notices issued for a violation of Sections 1409.05 and 1409.98 shall be made within ten days from the date such notice or order was issued. -Such appeals must be in writing. -Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. -Except in cases of emergency as set forth in Section 1409.05, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board. -No fee shall be required for an appeal made under this section.

1409.10 PERMISSION TO ENTER ADJOINING PREMISES.

(a) For the purpose of performing repairs, alterations or maintenance on the exterior of any dwelling, building or structure, necessary to effect compliance with the provisions of any Ohio statute, the Ohio Basic Building Code, the City's Building or Housing Codes or any other City ordinance, or any lawful rule adopted or order issued pursuant thereto, a property owner or his agent or employee shall obtain the consent to enter the adjoining premises from the owner, agent or occupant of such premises. If consent is granted, the party requesting permission to enter shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises.

(b) Should consent be denied, the party seeking permission to enter the adjoining premises shall apply in writing to the Director of ~~Housing Inspection~~Building and Housing who shall conduct the necessary investigation into the matter, and, upon good cause shown, may order the issuance of a permit to enter the adjoining premises. -Such order may be appealed to the Board of ~~Housing Code~~ Appeals by the owner, agent or occupant of the adjoining premises, or by the party seeking permission to enter the adjoining premises, if such permission is denied.

(c) Notwithstanding the provisions for appeal specified in Section 1409.09, the procedure for appeal under this section shall be as follows:

- (1) The appeal shall be in writing and submitted to the Board of ~~Housing Code~~ Appeals within five (5) regular business days from the date notice is received that a permit has or has not been issued, which notice shall be given by the Director of ~~Housing Inspection~~Building and Housing to the party seeking to enter the adjoining premises, and to the owner, agent or occupant of such premises.
- (2) Upon the filing of an appeal, a hearing shall be held before the Board of ~~Housing Code~~ Appeals, at a time and place fixed by the Board.
- (3) Except in cases of emergency as set forth in Section 1409.05, the filing of an appeal shall suspend the issuance of a permit to enter the adjoining premises until the appeal is acted upon by the Board.

CHAPTER 1411

Residential Occupancy Basic Standards

1411.02 HABITABLE FLOOR AREA DEFINED.

(a) Every dwelling unit shall contain at least 250 square feet of habitable floor area for the first occupant thereof and at least 150 square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable floor area as required by other provisions of this Housing Code.

(b) Habitable floor area shall include all of the floor area contained in a dwelling unit except:

- (1) The floor area contained in any of the following rooms or areas:
 - A. Kitchens
 - B. Bathrooms
 - C. Toilet rooms
 - D. Laundries
 - E. Pantries
 - F. Dressing rooms
 - G. Storage spaces
 - H. Foyers
 - I. Hallways
 - J. Utility rooms
 - K. Heater rooms
 - L. Boiler rooms
 - M. Basement recreation rooms;
- (2) The floor area contained in a room located on the first floor of a dwelling unit in which any portion of the ceiling height is less than seven (7) feet six (6) inches;
- (3) The floor area contained in a room located on the second or third floor of a dwelling unit in which the ceiling height is not at least seven (7) feet in height in at least two-thirds (2/3) of the room;
- (4) Those portions of the floor area contained in any room on any floor that are less seven (7) feet in width;
- (5) No portion of the habitable floor area on the third floor of a two-family dwelling shall be used to compute compliance with the requirements for minimum habitable floor area for the occupants of a second-floor dwelling unit unless such third floor is part of and contiguous with such dwelling unit and only if they share a common interior doorway, and the occupants of the dwelling unit have exclusive use thereof.

(c) All bathrooms and bedrooms shall have doors that properly close and latch shut to provide privacy to the occupants thereof.

(d) No dwelling unit, apartment or condominium unit or efficiency unit may be occupied by a number of occupants that exceeds the standards set forth in this section, except:

- (1) Occupants who are otherwise in compliance with this section, and who become in violation due to the addition of a new family member, may remain in violation without penalty for a period of six (6) months from the date of addition of the new family member, or until the expiration of a written lease (excluding extensions, options or renewals), whichever is longer.

(e) A decision of the Director of ~~Housing Inspection~~Building and Housing may be appealed to the Board of ~~Housing Code~~ Appeals as provided by Section 1409.09.

CHAPTER 1412 Landscaping and Yard Maintenance

1412.02 LANDSCAPING AND YARD MAINTENANCE REQUIREMENTS.

The Director of ~~Housing Inspection~~Building and Housing or the Director's designee shall inspect landscaping and yard maintenance as part of the ~~Housing Inspection~~Building and Housing Department's housing inspection programs.

CHAPTER 1413

Registration and Inspection of Single- and Two-Family Dwelling Structures

1413.01 CERTIFICATE OF OCCUPANCY.

- (a) (1) As used in this chapter, "rental unit" means any dwelling unit within a single-family, duplex and two-family dwelling, and the third floor of a two-family dwelling for which rental or separate occupancy is legally permitted in the City, where either of the following conditions exists:
- A. Consideration in the form of money or other valuable consideration is being paid for occupying such units; or
 - B. A person other than the fee simple owner of the property or the owner's family as defined herein is occupying such unit, whether or not such person is paying consideration, and the owner is not living in the rental unit.
- (2) The term "rental unit" does not include a room for rent in a hotel as defined in Section 1211.02 of the Zoning Code, or to a rental of a property for less than thirty (30) days per calendar year.
- (3) The term "family" for the purposes of this chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner's spouse.
- (4) The term "duplex" for the purposes of this chapter shall mean a structure with two dwelling units located on the same parcel. A structure with two dwelling units, with each one on a different parcel, shall be considered the same as two single-family dwellings.
- (5) The term "single-family dwelling" for the purposes of this chapter shall include a single-family structure and a condominium unit in a multiple dwelling.
- (6) The term "registered with the Ohio Secretary of State" for the purposes of this chapter shall mean registration as required by Title XVII of the Ohio Revised Code of an entity in order to do business in the State of Ohio.

(b) No person shall occupy, and no owner, operator or resident agent shall permit a person to occupy, a rental unit, unless the Director of ~~Housing Inspection~~Building and Housing has issued a Certificate of Occupancy that applies to such unit, which certificate has not expired, been revoked or otherwise become null and void.

(c) Every owner, operator or resident agent of a single-family dwelling that is a rental unit, as defined in this section, shall obtain a Certificate of Occupancy no later than December 31 of the year immediately prior to the year for which the Certificate shall be applicable, or if such dwelling becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the dwelling is occupied as a rental unit. Every owner, operator or resident agent of a single-family dwelling that has been a rental unit, as defined in this section, at any time within the previous twelve months, shall obtain a Certificate of Occupancy or shall submit an Exemption Form, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption shall be applicable. Once an Exemption Form is submitted and approved, no further submittals for a Certificate or Exemption shall be required unless the dwelling becomes a rental unit.

(d) Every owner, operator or resident agent of a two-family or duplex dwelling shall annually obtain a Certificate of Occupancy if one or more

dwelling units in the dwelling is a rental unit, or shall annually submit an Exemption Form if no dwelling units in the dwelling are rental units, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption is applicable. If one or more units of a two-family or duplex becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the unit shall become a rental unit, the owner, operator or resident agent shall submit an updated Application for a Certificate of Occupancy, or obtain a Certificate of Occupancy for a unit for which an Exemption Form had been or should have been submitted.

(e) Application for a Certificate of Occupancy or submission of an Exemption Form shall be on the form or forms supplied by the Director of ~~Housing Inspection~~Building and Housing, and shall include such information as the Director determines is necessary to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. Such information shall include, but need not be limited to, the following, as applicable:

- (1) The name, address and telephone number of the owner(s) of the property;
- (2) The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
- (3) The address of the property and the number of rental units contained within the property;
- (4) The current name, address, business and/or home telephone number, and social security number (optional) of the person(s) occupying the rental unit, and the address or other identification of the rental unit which they occupied;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) The familial relationship, if any, among the persons listed in subsection (e)(4);
- (7) In the case of an approved third-floor rental unit, a statement that no person who occupies the third-floor rental unit stores, cooks or otherwise prepares food in the third-floor rental unit or other common area; that such activities shall not be permitted; and that appliances or equipment which are used for such activities are not being provided or permitted on the premises;
- (8) The name of the head of the household of each rental unit;
- (9) If any owner of the property is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant must provide proof that such owner is registered with the Ohio Secretary of State; and
- (10) Such other information as may be requested on a voluntary basis.

An application is considered submitted and complete only when all information required on the form is accurately, legibly and fully provided and when the fee required in this chapter is paid.

(f) The Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Occupancy for a rental unit or units if found to be in compliance or substantial compliance with the provisions of the Housing Code and all other laws, ordinances, rules and regulations applicable thereto. The Certificate of Occupancy shall not be valid beyond December 31 of the calendar year in which it was issued.

(g) The Director of ~~Housing Inspection~~Building and Housing may deny an application for a Certificate of Occupancy or revoke a Certificate of Occupancy if any false statement is made by the applicant in connection with

the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Housing, Fire, Health, Zoning, or Building Codes, or if there have been three or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to the same dwelling unit during the previous twelve months.

(h) Every application for an annual Certificate of Occupancy submitted on or before February 1 of the year for which the Certificate of Occupancy is required, or within thirty days after the dwelling unit becomes a rental unit, shall be accompanied by a nonrefundable fee as follows:

- (1) For a single-family rental: two hundred dollars (\$200.00);
- (2) For a condominium rental: one hundred dollars (\$100.00);
- (3) For a two-family rental: one hundred dollars (\$100.00) per

rental unit;

(i) The fee for an application for a Certificate of Occupancy submitted after February 1 of the year for which the application is made, or more than thirty days after a unit becomes a rental unit, shall be as follows:

- (1) For a single-family rental: four hundred dollars (\$400.00);
- (2) For a condominium rental: two hundred dollars (\$200.00) per unit;
- (3) For a two-family rental: two hundred dollars (\$200.00) per rental unit.

(j) There shall be no fee for submission of an Exemption Form if submitted by February 1 of the year for which the Exemption is applicable. The fee for submission of an Exemption Form submitted after February 1 shall be two hundred dollars (\$200) per dwelling structure.

(k) If no application for a Certificate of Occupancy or Exemption Form is submitted when required by this Chapter, the Director shall charge the owner or operator the fee set forth in subsection (i) of this Section.

(l) The City shall reinstate a Certificate of Occupancy that has been revoked when the owner, operator or agent has done all of the following:

- (1) Submitted a new application for a Certificate, complied with all requirements to obtain a Certificate, and paid the appropriate application fee;
- (2) Paid the reinstatement fee, which shall be one hundred dollars (\$100.00), in addition to the appropriate application fee; and
- (3) Successfully completed any procedure required by the Director, under the rules and regulations of the Department of ~~Housing Inspection~~Building and Housing established as permitted in this chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation or, if the property had been declared a public nuisance under Chapter 109, that sufficient action has been taken, as determined by the Chief of Police, to prevent future criminal activity nuisances from occurring at the property.

1413.02 TWO-FAMILY DWELLING STRUCTURES WITH THIRD FLOORS; ADDITIONAL REQUIREMENTS.

(a) The Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Occupancy for a separate third-floor rental unit within a two-family dwelling structure only when a Certificate of Occupancy has been renewed continuously without expiration or termination since June 1, 1982, and the third floor conforms to the following standards:

- (1) There is at least one (1) hard-wired smoke detector with battery backup.

- (2) There is one (1) and only one occupant residing on the third floor.
- (3) No cooking unit, no refrigeration facilities, and no kitchen sink shall be located on the third floor of a two-family dwelling.
- (4) Separately inhabited third-floor areas in two-family dwelling structures shall have at least two (2) means of egress to the outside of the dwelling structure, such as a stairwell, and an UL-approved chain ladder not less than twenty-five (25) feet in length, securely fastened to the dwelling structure and readily hung outside an operable window in the event of an emergency.

(b) A non-conforming use of a third-floor area in a two-family dwelling shall be conclusively deemed abandoned upon the failure of the owner or agent of such dwelling to obtain a Certificate of Occupancy as required by Section 1413.01 of this Housing Code for a continuous period of one (1) year, or upon the discontinuation of the use for a period of one (1) year.

1413.03 FREQUENCY AND SCHEDULE OF INSPECTION.

(a) The Director of ~~Housing Inspection~~Building and Housing is hereby directed to conduct an inspection of all rental units, as defined in Section 1413.01, in single-family and two-family dwelling structures, except the interior of an owner occupied dwelling unit, at least once every three years according to a schedule established by him. The Director may require an inspection and a Certificate of Housing Inspection as a condition to the issuance of a Certificate of Occupancy pursuant to Section 1413.01. However, no inspection will be required if a Certificate of Housing Inspection has been issued pursuant to Chapter 1415 for the same structure within one year preceding the date the structure would have been inspected under the schedule established by the Director of ~~Housing Inspection~~Building and Housing. Pursuant to such schedule, the Director shall notify the owner of any rental unit, as defined in Section 1413.01, in single-family and two-family dwelling structures to be inspected, or his agent, that arrangements must be made with the ~~Housing Inspection~~Building and Housing Department for an inspection appointment within thirty days of such notice. It shall be the duty of the owner or agent, upon consent, to 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 Director of ~~Housing Inspection~~Building and Housing or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02. The above required tri-annual inspection of single-family homes may be waived by the Director of ~~Housing Inspection~~Building and Housing upon the submission of the affidavit of the owner that:

- (1) The rental is temporary, i.e., not for more than three years;
- (2) The owner has moved out of the Cuyahoga County area and intends to return to reside on the property within the designated time; and
- (3) The name, address and telephone number of a resident agent who lives in Cuyahoga County who may be served with a notice of violations and who will be responsible for property maintenance, is provided.

The waiver of the inspection requirement may be revoked by the Director of ~~Housing Inspection~~Building and Housing should the owner fail to comply with the requirements or should it be apparent that the rental is no longer temporary.

(b) The Director of ~~Housing Inspection~~Building and Housing is hereby directed to conduct an inspection of the third floor of every two-family dwelling structure which third floor is a nonconforming use under the Zoning Code or Housing Code, at least once every year according to a schedule established by him, where such third floor has been occupied by a roomer at any time during the year prior to the date of inspection. Such inspection will not be required if a Certificate of Housing Inspection has been issued pursuant to Chapter 1415 for the same structure within one (1) year previous to the date the structure would have been inspected under the schedule established by the Director of ~~Housing Inspection~~Building and Housing, or if the owner or agent indicates in writing to the Director that the third floor has ceased to be occupied by a roomer and that such use has been permanently abandoned. The method of inspection and notice shall be as provided in subsection (a) hereof.

(c) Either the Commissioner of Building or the Director of ~~Housing Inspection~~Building and Housing is hereby directed to conduct an inspection of each child day care service as provided in Section 1231.02(b)(9) of the Zoning Code. The method of inspection and notice shall be as provided in subsection (a) hereof. The provider of the child day care service shall apply for the inspection no later than sixty (60) days after commencement of the service.

1413.04 CERTIFICATE OF HOUSING INSPECTION.

Upon inspection of the dwelling structure, the Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Housing Inspection. Except in the case of immediate danger to the public health or safety, the Certificate of Housing Inspection shall contain the order of the Director of ~~Housing Inspection~~Building and Housing for the correction of any code violations noted on the Certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the Certificate, unless for good cause shown, the Director has extended the time for such completion.

1413.05 FORMS, RULES AND REGULATIONS; APPEALS.

The Director of ~~Housing Inspection~~Building and Housing is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Director of ~~Housing Inspection~~Building and Housing are provided for in Section 1409.09.

CHAPTER 1415

Certificate of Inspection at Time of Sale

1415.01 CERTIFICATE OF INSPECTION REQUIRED.

(a) The owner of improved real estate used or intended to be used for residential purposes shall obtain a certificate of inspection prior to selling, transferring, or conveying an interest or entering into an agreement to sell, transfer or otherwise convey an interest in such property, including the transfer of a property by land installment contract.

(b) No owner of real estate described in subsection (a) above shall sell, transfer or otherwise convey an interest or enter into an agreement to sell, transfer or otherwise convey an interest in such property, including by land installment contract, without first presenting the prospective purchaser or grantee with a copy of a certificate of inspection or a copy of a certificate of compliance issued by the Director of ~~Housing Inspection~~Building and Housing within one year prior to the agreement.

(c) In the event the real estate described in subsection (a) above is sold at Sheriff's sale or other court-ordered auction, or is transferred from

a mortgagor to a mortgagee in lieu of foreclosure, or similar transaction, and no certificate of compliance has been issued within one year prior to such sale, the purchaser or transferee shall apply in writing to the Director within thirty days after the date of sale or transfer for an inspection of the property, and shall otherwise comply with the requirements of this Chapter. The method of application and inspection shall be as set forth in Section 1415.02.

(d) This Chapter shall not apply to the individual transfer of property through inheritance, or by gift between family members, as defined in Section 1413.01 of the Housing Code, or between members of the same household, where no bona fide sale or arms length transaction is intended or takes place, or to the sale, transfer, conveyance or purchase of City-owned or privately-owned residential real estate when the purchaser is an entity that has an agreement with the City under a City program to provide support for the purchase or the purchase and rehabilitation of such real estate.

(e) This Chapter, and all references in this chapter, to the sale, transfer, conveyance or purchase of residential real estate, shall apply to the sale, transfer, or conveying of all or a part of a business, partnership, corporation, limited liability corporation, or other legal entity that owns a property otherwise covered under this chapter to a different individual or individuals, or to a different entity or entities, such that the actual ownership, operation or control of a property is transferred, whether or not a property is managed or owned, in whole or in part, by the same person or persons, or entity.

1415.02 APPLICATION FOR INSPECTION.

(a) Application for the certificate of inspection required by this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Director of ~~Housing Inspection~~Building and Housing. If the owner is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that the owner is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the ~~Housing Inspection~~Building and Housing Department.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director may make such inspection after first obtaining a search warrant as provided in Section 1409.02.

1415.03 ORDERS FOR CORRECTION.

(a) Except in the case of immediate danger to the public health or safety, the Certificate of Housing Inspection shall contain the order of the Director of ~~Housing Inspection~~Building and Housing for the correction of any Code violations noted on the certificate, which shall be corrected by the owner of the property within ninety days of the issuance of the certificate, unless, for good cause shown, the Director of ~~Housing Inspection~~Building and Housing has extended the time for such completion.

(b) As to property purchased at a Sheriff's sale, or other court-ordered auction, if violations noted in the certificate of inspection have not been corrected within ninety days as set forth in subsection (a) hereof, the Director of ~~Housing Inspection~~Building and Housing may extend such time for completion, but shall require a performance bond or equivalent financial guarantee in form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure the correction of such violations.

1415.05 CERTIFICATE OF INSPECTION OR COMPLIANCE; ESCROW; APPEAL.

(a) No person, agent, firm or corporation shall sell, transfer, convey, accept, obtain or purchase an interest in the title of improved residential real estate, including entering into a land installment contract for the sale or transfer of such a property, without complying with the point-of-sale requirements of this Chapter, including the establishment of an escrow account as required in this Section.

(b) No business entity, domestic or foreign, using a name other than an individual's own personal name, shall sell, transfer, convey, accept, obtain or purchase an interest in the title of improved residential real estate, including entering into a land installment contract for the sale or transfer of such a property, unless such entity is registered with the Ohio Secretary of State as required by Title XVII of the Ohio Revised Code of an entity in order to do business in the State of Ohio.

(c) Prior to the closing of a transfer of improved residential real estate, the seller or transferor shall provide the purchaser or transferee with a current certificate of inspection or a certificate of compliance, shall verify that sufficient funds have been deposited in escrow as required in this Section, shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the certificate of inspection or certificate of compliance, and such statement shall list thereon the date the certificate was given to the purchaser and a copy shall be provided to the ~~Housing Inspection~~Building and Housing Department.

(d) Prior to the closing of a transfer of improved residential real estate, the purchaser or transferee shall have received a current certificate of inspection or a certificate of compliance, shall have designated in writing with the ~~Housing Inspection~~Building and Housing Department the name, address, and telephone number of an agent who is a resident of Cuyahoga County, pursuant to Section 1409.03, if the purchaser or transferee resides outside of Cuyahoga County at the time of closing and will not occupy the premises as a primary residence, and shall verify that sufficient funds have been deposited in escrow as required in this Section.

(e) Except as otherwise provided in this Chapter, if all violations listed on the certificate of inspection are not corrected prior to transfer of title or execution and recording of a land installment contract, funds shall be deposited with an escrow agent designated by the City, in an amount not less than one hundred dollars (\$100.00) and equal to one hundred fifty percent (150%) of the estimated cost of repairs, to pay for the cost to correct all remaining violations. The amount to be held in escrow shall be determined as follows:

- (1) The transferor or transferee shall procure a written estimate from a company currently registered under Chapter 547 of the Codified Ordinances (hereinafter referred to as a "qualified company").
- (2) The estimate shall be in good faith and shall reflect current market rates for labor and materials.
- (3) The cost of repairs shall be itemized, to the extent practicable, in a manner that relates to the point-of-sale violation list.
- (4) The Director of ~~Housing Inspection~~Building and Housing or the Director's designee shall determine whether the estimate complies with the requirements of this Section and may reject an estimate that fails to reasonably reflect the fair market cost of repairs.
- (5) If the Director of ~~Housing Inspection~~Building and Housing rejects an estimate as provided herein, the party submitting the estimate may provide the Director a new estimate that complies with the requirements of this Section. If the

Director rejects an estimate, the Director may send a written notice of such rejection to the party establishing the escrow.

- (6) If the party establishing the escrow can demonstrate to the Director of ~~Housing Inspection~~Building and Housing that after a good faith effort he/she is unable to obtain a written estimate from a qualified company, or if the party establishing the escrow makes a request to the Director, the Director may establish the amount of the escrow upon the payment by such party of the fee set forth in Section 1415.04.
- (7) The party establishing the escrow may appeal the decision of the Director to reject an estimate of the cost of repairs, or the amount of the escrow if it is established by the Director, to the Board of Appeals within thirty (30) days from the date of Director's written decision or estimate.

(f) A purchaser or transferee of a property requiring substantial rehabilitation, with the approval of the transferor or seller or a signed purchase agreement, may submit a request to the Director for a variance from the escrow requirement, to request a reduction of the required escrow amount of 150% of the cost of repairs to 100% of the cost. The Director may grant such a variance if the purchaser or transferee is a contractor that has been approved to participate in the City's Shaker Renovator Program, or if the purchaser or transferee has a signed contract with a contractor that is a participant in the Program. The Director of Neighborhood Revitalization is authorized to establish rules and regulations for a Shaker Renovator Program.

(g) A seller or transferor, or a purchaser or transferee, with the approval of the transferor or seller or a signed purchase agreement, may submit an appeal to the Board of Appeals requesting a variance from the escrow requirements. In any such appeal, the appellant must demonstrate that:

- (1) Special circumstances exist necessitating a variance from the requirements in order to make the sale and repair of the property financially practicable,
- (2) The purchaser or transferee has the financial capability to repair the property in a reasonable period of time in order to bring it into compliance with the Housing Code; and
- (3) A variance is in the best interests of the City and its residents.

(h) Funds shall be disbursed only upon written authorization from the Director or the Director's designee. Authorization to release funds held in escrow pursuant to this subsection shall be granted upon the determination by the Director of ~~Housing Inspection~~Building and Housing that substantial progress has been made in correcting the violations and that sufficient funds will remain in escrow to correct all remaining violations.

- (1) If the funds held in escrow are less than five thousand dollars (\$5,000), no funds held in escrow shall be released until all violations are corrected.
- (2) If the funds held in escrow exceed five thousand dollars (\$5,000) but are less than twenty thousand dollars (\$20,000), the Director or the Director's designee may authorize one partial release of funds from escrow.
- (3) If the funds held in escrow are equal to or exceed twenty thousand dollars (\$20,000) but are less than forty thousand dollars (\$40,000), the Director or the Director's designee may authorize two partial releases of funds from escrow.
- (4) If the funds held in escrow are equal to or exceed forty thousand dollars (\$40,000) but are less than sixty thousand

dollars (\$60,000), the Director or the Director's designee may authorize three partial releases of funds from escrow.

- (5) If the funds held in escrow are equal to or exceed sixty thousand dollars (\$60,000), the Director or the Director's designee may authorize four partial releases of funds from escrow.

(i) The Director may approve, in lieu of an escrow being established, a purchase-rehabilitation loan account established through a private or government lender. The Director may require written evidence of the terms of the purchase-rehabilitation loan and other documentation that the Director determines is necessary to evaluate the substitution of the loan for a point-of-sale escrow account. In determining whether to approve the loan as a substitute for an escrow account, the Director shall consider all of the following: the City's experience with the lender in other purchase-rehabilitation loan situations, the lender's oversight and management of such loans, the amount of funds provided for improvements to the property beyond correction of the existing code violations, proof that sufficient funds are being held to pay for repairs to correct all point-of-sale violations, and any other factor that would tend to support a conclusion that the intent of the point-of-sale escrow provisions will be met by the structure and terms of the loan.

(j) In the event the purchaser or grantee of residential real estate, in a transaction covered by this Chapter, intends to demolish the structure or structures covered by a certificate of inspection, the escrow requirements of this Section shall be waived if the purchaser or transferee provides the City a performance bond or equivalent financial guarantee in a form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure that either the structure or structures are demolished or the violations listed on the certificate of inspection are corrected.

(k) No escrow or bond shall be required if the City is the purchaser or transferee of the property, whether the property is intended to be repaired or demolished.

(l) If all repairs to a property required on a Certificate of Inspection are not completed within a reasonable period of time, as determined by the Director or the Director's designee, the City may withdraw such funds from the escrow account as shall be necessary to pay for the completion of the repairs or demolition of the property, as the City determines to be necessary. The City shall provide written notice to the owner and any lessee or party in control of a property, and to the party that established the escrow, at least thirty days prior to the City's withdrawal of funds from the escrow account.

1415.06 WARRANTY OF COMPLIANCE.

In every sale of realty to which this chapter applies, the seller of the property shall warrant, or be presumed to have warranted, that the structures and premises are in compliance with the Building Code, the Housing Code, the Zoning Code and other applicable ordinances of the City at the time of the contract of sale, unless the seller has obtained and presented to the buyer a certificate of inspection or a copy of a certificate of compliance as provided for herein, or unless the buyer has actual knowledge of the deficiencies or violations in the structures at the time of the contract of sale.

1415.07 FORMS, RULES AND REGULATIONS; APPEALS.

The Director of ~~Housing Inspection~~Building and Housing is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the

decision of the Director are provided for in Codified Ordinances Sections 1213.02 of the Zoning Code, Section 1311.08 of the Building Code and Section 1409.09 of the Housing Code.

CHAPTER 1417
Condominiums

1417.02 OPTION AND NOTICE REQUIRED.

(a) All tenants in a conversion condominium development shall be offered an option in writing, exercisable within not less than one hundred twenty (120) days after notice, to purchase a condominium ownership interest in the development, and after the expiration of such one hundred twenty (120) day period, tenants choosing not to purchase a condominium ownership interest shall be given written notice of not less than one hundred twenty (120) days, and if the tenant is an elderly or handicapped tenant, written notice of not less than one hundred eighty (180) days, prior to being required to vacate the premises to facilitate the conversion. At the time a tenant is offered an option to purchase as provided herein, the developer shall also provide such tenant with a copy of this chapter, or a summary thereof, which the developer may obtain from the Director of ~~Housing Inspection~~Building and Housing.

(b) A tenant choosing not to purchase a condominium unit may waive his option and notice as provided in subsection (a) hereof, providing the tenant acknowledges in writing that he understands that the developer will, in reliance upon the tenant's waiver and agreement to vacate by a certain date, be entering into a contract to sell to parties other than the tenant and deliver possession of the condominium unit prior to the expiration of the one hundred twenty (120) days or, if the tenant is elderly or handicapped, one hundred eighty (180) days, notice periods. A waiver in a lease shall not be considered a waiver of a tenant's rights to be given an option and notice as provided in subsection (a) hereof.

(c) A tenant whose written lease remains in effect beyond the option and notice periods provided in subsection (b) hereof shall be entitled to remain in the apartment throughout the term set forth in such lease.

(d) This section shall not apply to evictions for purposes other than for the purpose of converting an apartment into a condominium.

1417.04 CERTIFICATE OF INSPECTION AND COMPLIANCE.

(a) When a condominium unit is being sold by a developer, an inspection of a condominium unit shall be required as herein provided:

- (1) Prior to entering into a sales contract, every developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of a Certificate of Inspection or Certificate of Compliance for the condominium unit to be sold, issued by the Director of ~~Housing Inspection~~Building and Housing within one (1) year prior to the execution of the contract of sale; and if the buyer is a tenant, a copy of such Certificate of Inspection or Certificate of Compliance shall be delivered to the tenant not less than sixty (60) days prior to the expiration of the option period provided in this chapter; or
- (2) Every developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of a Certificate of Inspection within thirty (30) days subsequent to the execution of the contract of sale, if the developer agrees, in writing, at the time that a contract of sale is executed, to correct all violations noted in the Certificate of Inspection within ninety (90) days from the date of

inspection. This ninety (90) day period can only be extended for good cause, as provided in Section 1417.09.

(b) When a condominium unit is being sold by a developer, an inspection of the common areas of the condominium property shall be required as herein provided:

- (1) Prior to entering into a sales contract, every developer shall obtain from the prospective buyer, a signed acknowledgment of the receipt of a copy of a Certificate of Inspection or Certificate of Compliance for the common areas of the condominium property, issued by the Director of ~~Housing Inspection~~Building and Housing within one (1) year prior to the filing of the declaration of condominium property with the Cuyahoga County Recorder's office. If a Certificate of Compliance has not been issued by the Director of ~~Housing Inspection~~Building and Housing within one (1) year prior to the filing of the declaration, then a copy of a Certificate of Compliance shall be delivered to the board of managers of the unit owners association by the developer prior to the date that fifty percent (50%) of the interest in units and common areas has been sold and conveyed by the developer. If a copy of a Certificate of Compliance has not been delivered to the unit owners association as provided herein, then the developer shall file a cash or surety bond with the Director of ~~Housing Inspection~~Building and Housing, issued to the unit owners association, in the sum of one hundred percent (100%) of the estimated cost of correcting the as yet uncorrected violations noted in the Certificate of Inspection of the common areas which shall be filed prior to the developer selling and conveying more than fifty percent (50%) of the interest in the units and common areas.
- (2) Prior to entering into a sales contract for a condominium unit sold after three (3) years from the date of the inspection of the common areas as required in subsection (b)(1) hereof the developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of the most recent Certificate of Inspection or Certificate of Compliance for the common areas issued by the Director of ~~Housing Inspection~~Building and Housing, which shall be made available by the Director to the developer upon request.

(c) When a condominium unit is being sold by an owner other than a developer, the parties shall comply with the requirements of Chapter 1415 as they apply to single-family dwellings, except that the fee shall be as set forth in Section 1415.04 for condominium units.

1417.05 APPLICATION FOR INSPECTION BY DEVELOPER.

(a) The developer or his authorized agent shall apply in writing to the Director of ~~Housing Inspection~~Building and Housing, requesting an inspection of condominium units or common areas of the condominium property, or both.

(b) The Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Inspection or a Certificate of Compliance, for every condominium unit inspected, within twenty-one (21) days if twenty-five (25) condominium units or less are to be inspected, and within thirty (30) days if more than twenty-five (25) condominium units are to be inspected, and shall issue a Certificate of Inspection or a Certificate of Compliance for the common areas within twenty-one (21) days, after application has been made pursuant to this section, when:

- (1) The developer or his authorized agent has given consent to such inspections, and has agreed to a time during the working hours of the ~~Housing Inspection~~Building and Housing Department at which the condominium units or common areas will be available for inspection, and has paid to the ~~Housing Inspection~~Building and Housing Department the application fee in the amount of one hundred fifty dollars (\$150.00) in the case of an inspection of the common areas, and in the case of an inspection of condominium units, fifty dollars (\$50.00) per each condominium unit to be inspected.
- (2) The Director of ~~Housing Inspection~~Building and Housing has inspected the common areas or condominium units and has noted any conditions found during the inspection which are in violation of any ordinances or regulations of the City of Shaker Heights.

1417.06 APPLICATION FOR INSPECTION BY OWNER OTHER THAN DEVELOPER.

(a) The Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Condominium Unit Inspection or Certificate of Compliance within fourteen (14) days after gaining access to the interior of a condominium unit when:

- (1) The condominium unit owner or his authorized agent other than a developer, has applied in writing to the Director of ~~Housing Inspection~~Building and Housing giving consent to such inspection, and such owner or agent has agreed to a time during the working hours of the ~~Building~~Building and Housing Department at which the subject property will be available for inspection, and has paid to the ~~Building~~Building and Housing Department the application fee in the amount of fifty dollars (\$50.00). In addition to the application fee, a reinspection deposit of one hundred dollars (\$100.00) shall also be required at the time the application is filed, from which a fee of twenty-five dollars (\$25.00) will be withdrawn for every re-inspection made after the first two reinspections, with any funds remaining from the deposit being returned to the applicant.
- (2) The Director of ~~Housing Inspection~~Building and Housing has inspected the condominium unit and has noted any conditions found during the inspection which are in violation of any ordinances or regulations of the City of Shaker Heights.

1417.07 CONSENT TO INSPECTION.

If, after application to the Director of ~~Housing Inspection~~Building and Housing, the party authorized to give consent, or occupant, refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director of ~~Housing Inspection~~Building and Housing shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02.

1417.08 WAIVER OF INSPECTION FEE.

The fee for an inspection conducted pursuant to this chapter shall be waived for all inspections requested by the Cuyahoga County Office of Community Development in conjunction with the Department of Housing and Urban Development Section 312 Rehabilitation Loan Program for the Community Development Block Grant Rehabilitation Loan and Grant Program as administered by Cuyahoga County for the Urban County Participants. Waiver of fees shall be approved by the Director of ~~Housing Inspection~~Building and Housing only upon the written request of the Cuyahoga County Office of Community

Development, which shall stipulate that a financial review has been conducted by the County and the applicant qualified for a loan, grant or combination loan and grant under one (1) of the aforementioned programs.

1417.09 ORDERS FOR CORRECTION.

Except in the case of immediate danger to the public peace, health, safety or welfare, the Certificate of Inspection shall contain the order of the Director of ~~Housing Inspection~~Building and Housing for the correction of any code violations noted on the Certificate, which shall be corrected by the owner, within ninety (90) days of the issuance of the Certificate. For good cause shown, the Director may extend the time for such completion.

1417.11 WARRANTY OF COMPLIANCE.

In addition to any warranties provided in the Ohio Revised Code, in every sale of realty to which this chapter applies, the seller of the condominium unit shall warrant, or be presumed to have warranted, that the condominium unit and common areas of the condominium property are in compliance with the Building Code, the Housing Code, the Zoning Code, and other applicable ordinances of the City of Shaker Heights at the time of the contract of sale, unless the seller has obtained and presented to the buyer a copy of a Certificate of Inspection or a copy of a Certificate of Compliance where required in this chapter or unless the buyer has actual knowledge of the deficiencies or violation in the condominium unit and common areas at the time of the contract of sale, or unless the Director of ~~Housing Inspection~~Building and Housing, upon application, has failed to make an inspection of the condominium unit or common areas and has failed to issue the appropriate Certificate of Inspection or Certificate of Compliance within the time prescribed in this chapter.

1417.13 FORMS, RULES AND REGULATIONS; APPEALS.

The Director of ~~Housing Inspection~~Building and Housing is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from any decision of the Director of ~~Housing Inspection~~Building and Housing are provided for in Codified Ordinances Sections 1281.07 of the Zoning Code, 1311.08 of the Building Code and 1409.09.

CHAPTER 1421

Registration and Inspection of Multiple-Dwelling Structures

1421.03 CERTIFICATE OF OCCUPANCY.

No person shall occupy, and no owner or resident agent shall permit a person to occupy, a rental unit, unless the Director of ~~Housing Inspection~~Building and Housing has issued a Certificate of Occupancy for such dwelling structure which certificate has not expired, been revoked or otherwise become null and void.

1421.04 CERTIFICATE OF OCCUPANCY REQUIRED.

(a) Application for a Certificate of Occupancy, as required by the provisions of this Chapter, shall be made no later than December 31 of the year immediately prior to the year for which the application is made by supplying necessary information regarding the existing use and occupancy of the rental unit on forms supplied by the Director of ~~Housing Inspection~~Building and Housing. Such information shall include, but need not be limited to, the following:

- (1) The name, residence or business address and telephone number of the owner of the property;

- (2) The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
- (3) The name, address and telephone number of the building superintendent, janitor or caretaker, or such other person responsible for maintenance of the building and grounds;
- (4) The address of the property and the number of rental units contained within the property;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) The names of those persons living in each rental unit;
- (7) If any owner of the property is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant must provide proof that such owner is registered with the Ohio Secretary of State; and
- (8) Such other information as may be requested or provided on a voluntary basis, including but not limited to social security numbers to be used for tax purposes.

(b) An application is considered complete only when all information required on the form is accurately, legibly and fully provided and when the fee is paid.

(c) If there are no habitable rental units in a multiple-dwelling structure, then the owner or operator shall apply for an Exemption from the Certificate of Occupancy requirement, no later than December 31 of the year immediately prior to the year for which the application for Exemption is made, on a form provided by the Director of ~~Housing Inspection~~Building and Housing.

(d) Every application for a Certificate of Occupancy shall be accompanied by a non-refundable fee of forty-five dollars (\$45.00) per rental unit. There shall be no charge for an application for an Exemption timely filed. The fee for reinstatement of a Certificate of Occupancy after it has been revoked shall be one hundred dollars (\$100.00), in addition to the appropriate application fee as set forth in this Section.

(e) The fee for an application for either a Certificate of Occupancy or an Exemption from the Certificate of Occupancy requirement submitted after March 1 of the year for which the application is made shall be sixty dollars (\$60.00) per rental unit. An application is considered submitted only when it is complete and no cause exists to deny the application, as defined in this Section. The fee for an application that was denied and is re-submitted after March 1 shall be sixty dollars (\$60.00) per rental unit. If no application for a Certificate or Exemption is submitted when required by this Chapter by the end of the calendar year for which the Certificate or Exemption is required, the Director shall charge the owner or operator sixty dollars (\$60.00) per rental unit.

(f) If the owner or operator fails to pay the fee for a Certificate or an Exemption within the calendar year for which the Certificate or Exemption is required to be obtained, the Director of ~~Housing Inspection~~Building and Housing shall report the delinquency to the Director of Finance, who shall report the same to Council, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the property for which the Certificate or Exemption is required, and cause the assessment to be certified to the County Auditor for collection.

(g) The owner, agent or person in charge of every multiple-dwelling structure shall cause a Certificate of Occupancy to be posted conspicuously at all times at the main entrance of such structure. The Certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(h) The Director of ~~Housing Inspection~~Building and Housing may deny an application for a Certificate of Occupancy or revoke a Certificate of

Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Housing, Fire, Health, Zoning, or Building Codes, or if any of the following are found as to the property:

- (1) For any property subject to this Chapter there have been three or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to the same dwelling unit during the previous twelve months;
- (2) For any property subject to this Chapter with fewer than forty dwelling units there have been five or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to any combination of dwelling units during the previous twelve months; and/or
- (3) For any property subject to this Section with forty or more dwelling units there have been seven or more criminal activities, as defined in Section 109.01 of the Codified Ordinance, related to any combination of dwelling units during the previous twelve months.

(i) The City shall reinstate a Certificate of Occupancy that has been revoked when the owner has done all of the following:

- (1) Submitted a new application for a Certificate as required in this Section;
- (2) Paid the appropriate application fee and the reinstatement fee;
- (3) Successfully completed any procedure required by the Director, under the rules and regulations of the Department of ~~Housing Inspection~~Building and Housing established as permitted in this Chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation or, if the property had been declared a public nuisance under Chapter 109, that sufficient action has been taken, as determined by the Chief of Police, to prevent future criminal activity nuisances from occurring at the property.

1421.05 INSPECTION OF MULTIPLE DWELLINGS.

(a) The Director of ~~Housing Inspection~~Building and Housing is hereby directed to conduct an inspection of the common areas of all multiple dwellings, and all rental units within such multiple dwellings, at least once every three (3) years according to a schedule established by him or her.

(b) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Director of ~~Housing Inspection~~Building and Housing that a violation of the City's Building, Housing, Health or Fire Codes exists upon the property.

(c) It shall be the duty of the owner or agent, upon consent, to cause the common areas of the structure and individual rental units to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner or agent refuses to consent to an inspection of the subject property or, in the case of an individual rental unit, the tenant thereof, or if consent is otherwise unobtainable, the Director of ~~Housing Inspection~~Building and Housing or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02.

1421.06 CERTIFICATE OF MULTIPLE-DWELLING INSPECTION.

Upon inspection of the multiple-dwelling structure, the Director of ~~Housing Inspection~~Building and Housing shall issue a Certificate of Multiple-Dwelling Inspection. Except in the case of immediate danger to the public health or safety, such certificate shall contain the order of the Director for the correction of any code violations noted on the certificate, which shall be corrected by the owner of the property within ninety days of the issuance of the certificate, unless for good cause shown, the Director has extended the time for such completion.

1421.08 FORMS, RULES AND REGULATIONS; APPEALS.

The Director of ~~Housing Inspection~~Building and Housing is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Director of ~~Housing Inspection~~Building and Housing are provided for in Section 1409.09, except where the decision appealed involves a violation or interpretation of the Ohio Building Code, in which instance the rights of appeal shall be as provided under the laws of the State of Ohio.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and further, that the legislation makes only organizational changes to the ordinances, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted November 13, 2017.

Approved this ____ day of _____, 2017.

EARL M. LEIKEN, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun17/1005BUILDING-HOUSINGMERGERCODORDAMEND