

Councilman Clifford Winkel, Ward 4/Pro-Tem and Chair  
Councilman Bruce Abens, Ward 3  
Councilwoman Holly Swenk, Ward 1



**BUILDING & LANDS COMMITTEE MEETING**  
**CITY COUNCIL CHAMBERS**  
**AGENDA OF TUESDAY, JANUARY 16, 2024**  
**6:30 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Building & Lands Committee Meeting Minutes dated October 16, 2023  
(Committee action required)

**NEW BUSINESS**

- 2024-13      AN ORDINANCE AMENDING CHAPTER 1480 AND CHAPTER 660 AND REPEALING CHAPTER 1476 AND CHAPTER 650 OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES TO MAKE IMPROVEMENTS AND CLARIFICATIONS TO REQUIREMENTS FOR PROPERTY MAINTENANCE.  
(Introduced by Mayor Corcoran; Formerly known as T 148-2023 for First Reading on 12-18-2023; Building and Lands Committee Meeting on 1-16-2024)

**ADJOURNMENT**

Meetings are broadcast on the North Ridgeville YouTube channel at:  
[www.youtube.com/channel/UCThTaGFRof\\_AOvxSYAzMNYg](https://www.youtube.com/channel/UCThTaGFRof_AOvxSYAzMNYg)

Visit the City Council webpage to access agenda items:  
<http://www.nridgeville.org/Council.aspx>

**NORTH RIDGEVILLE CITY COUNCIL  
BUILDING AND LANDS COMMITTEE MEETING MINUTES  
CITY COUNCIL CHAMBERS – 6:30 P.M.  
MONDAY, OCTOBER 16, 2023**

**To Order and Pledge of Allegiance:**

Chairman Clifford Winkel called the Building and Lands Committee meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**Roll Call:**

Members present: Chairman Clifford Winkel, Councilman Bruce Abens, and Councilwoman Holly Swenk.

Also present: Councilman Frank Toth, President Jason Jacobs, Councilman Martin DeVries, Councilwoman Georgia Awig, Mayor Kevin Corcoran, and Assistant Clerk of Council Tina Wieber.

**Action on Minutes:**

Chairman Winkel asked if there were any corrections to the minutes dated June 19, 2023. No discussion was offered. The minutes stand approved as submitted.

**Discussion regarding T 97-2023:**

T 97-2023      AN ORDINANCE VACATING ELM STREET, AN UNUSED, UNDEVELOPED STREET, BETWEEN WALLACE BLVD. AND CORNELL AVENUE AND ABUTTING FOUR PROPERTIES, ONE OF WHICH ENCROACHES INTO ELM STREET, UPON ACTION INITIATED BY CITY COUNCIL.  
(Introduced by Mayor Corcoran, Planning Commission on 09-28-2023; First Reading on 10-02-2023)

Chair Winkel stated that the purpose of the meeting is to discuss T 97-2023, a specific legislative matter. He also mentioned that this legislation had been previously discussed at the Planning Commission on September 28, 2023, where it received approval with a unanimous 3-0 vote.

Mayor Corcoran provided a historical context related to the original property that currently has four houses on it. He mentioned that there used to be a house that extended beyond the property line. The properties in question are within the right of way designated as Elm Street, and the determination of how the land was surveyed in the past is uncertain.

The Mayor explained that this situation presents an opportunity for the City to vacate the portion of land that remains to the residents. The administration explored various options but determined that vacating the property was the most suitable choice. If the city does not vacate the property, the issue of the building extending onto the City's property will persist. Each option comes with its own associated costs. Mayor Corcoran noted that the City has vacated a street before.

Chair Winkel inquired if there were any questions or inquiries from the committee and the City Council regarding the matter under discussion.

Chair Winkel expressed his understanding that vacating a paper street appears to be a sensible solution, benefiting the homeowners involved. In this case, there are four property owners, and the process of vacating the street would result in an equal distribution of the vacated property among them.

Moved by Swenk and seconded by Abens to send T 97-2023 to City Council for consideration as submitted.

A voice vote was taken and the motion carried.

Yes – 3                      No – 0

**Adjournment:**

The meeting was adjourned at 6:36 p.m.

Date Approved: \_\_\_\_\_

-----  
Fijabi Gallam  
Assistant Clerk of Council

DATE:	<u>December 18, 2023</u>	1 <sup>ST</sup> READING:	<u>December 18, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 <sup>ND</sup> READING:	<u>February 6, 2024</u>
REFERRED BY:	<u>Building and Lands</u>	3 <sup>RD</sup> READING:	<u></u>
TEMPORARY NO:	<u>T 148-2023</u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>
		EFFECTIVE:	<u></u>

Building and Lands Committee on 01-16-2024

## ORDINANCE NO. 2024-13

### AN ORDINANCE AMENDING CHAPTER 1480 AND CHAPTER 660 AND REPEALING CHAPTER 1476 AND CHAPTER 650 OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES TO MAKE IMPROVEMENTS AND CLARIFICATIONS TO REQUIREMENTS FOR PROPERTY MAINTENANCE.

**WHEREAS**, this Council has established provisions in the North Ridgeville Codified Ordinances for the minimum requirements and standards for the maintenance of premises, structures and equipment in the City of North Ridgeville for the protection of the public health, safety and welfare; and

**WHEREAS**, it is found that various chapters of the Building and Housing Code and General Offenses Code that address property maintenance have language that is redundant of state law and/or in conflict with other local provisions; and

**WHEREAS**, updates to these ordinances will eliminate these redundancies and conflicts, provide greater clarification to property owners regarding minimum standards and provide greater guidance to property maintenance enforcement officers; and

**WHEREAS**, it is the desire of this Council to amend these Codified Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

**SECTION 1.** Chapter 1480 *Property Maintenance Code* which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B**.

**SECTION 2.** Chapter 660 *Safety, Sanitation and Health* which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit C** be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit D**.

**SECTION 3.** Chapter 1476 *Unsafe Buildings* attached to this Ordinance as **Exhibit E** be repealed.

**SECTION 4.** Chapter 650 *Public Nuisances* attached to this Ordinance as **Exhibit F** be repealed.

**SECTION 5.** All other ordinances or parts of ordinances or resolutions that are inconsistent or in conflict with the newly amended and adopted sections are likewise repealed to the extent of such inconsistency or conflict only.

**SECTION 6.** If any section, paragraph, sentence, clause, phrase, term, provision or part of this Ordinance, together with all of its Exhibits attached thereto, shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 7.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

**SECTION 8.** This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:\_\_\_\_\_

\_\_\_\_\_  
MAYOR

**EXHIBIT A**

**CHAPTER 1480 PROPERTY MAINTENANCE CODE**

**ADMINISTRATION**

**DEFINITIONS**

**GENERAL REQUIREMENTS**

**LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

**PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**MECHANICAL AND ELECTRICAL REQUIREMENTS**

**FIRE SAFETY REQUIREMENTS**

**REFERENCED STANDARDS**

EDITOR'S NOTE: Former Chapter 1480, Use and Occupancy Code, was repealed and replaced with the Property Maintenance Code by Ordinance 4010-2004, passed April 5, 2004.

**CROSS REFERENCES**

Unsafe structures - see Ohio R.C. 715.26(B), 715.261; B. & H. Ch. 1476

Power to regulate building sanitation - see Ohio R.C. 715.29

Sanitation of animal pens - see GEN. OFF. 618.14

Public nuisances - see GEN. OFF. Ch. 650

Storage of junk vehicles - see GEN. OFF. 660.07

Notice to remove litter and debris, cut weeds and provide proper drainage - see GEN. OFF. 660.15

Periodic inspections of property by County Health Department or Fire Chief for nuisance conditions - see GEN. OFF. 660.16

**ADMINISTRATION**

**1480.01 GENERAL**

**1480.02 APPLICABILITY**

**1480.03 PROPERTY MAINTENANCE INSPECTION**

**1480.04 DUTIES AND POWERS OF THE CHIEF BUILDING OFFICIAL**

**1480.05 APPROVAL**

**1480.06 NOTICES AND ORDERS**

**1480.07 UNSAFE STRUCTURES AND EQUIPMENT**

**1480.08 EMERGENCY MEASURES**

**1480.09 DEMOLITION**

**1480.10 MEANS OF APPEAL**

**1480.01 GENERAL**

- (a) Title. These regulations shall be known as the Property Maintenance Code of North Ridgeville, hereinafter referred to as "this code."
- (b) Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and appurtenant buildings and outbuildings and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (c) Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (d) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.02 APPLICABILITY**

- (a) General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1480.01. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- (b) Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (c) Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current North Ridgeville Code (See Section 1480.41).
- (d) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

- (e) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- (f) Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the chief building official to be safe and in the public interest of health, safety and welfare.
- (g) Referenced Codes and Standards. The codes and standards referenced in this code shall be those that are listed in Section 1480.41 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the stricter code shall apply.
- (h) Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the chief building official.

Ord. 4010-2004. Passed 4-5-04.)

#### **480.03 PROPERTY MAINTENANCE INSPECTION**

- (a) General. The executive official in charge of property maintenance inspection is the Chief Building Official.
- (b) Inspectors. The Chief Building Official may appoint other North Ridgeville Building Department employees to act as inspectors under his supervision to enforce this code.
- (c) Restriction of Employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of Section 1480.10, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.
- (d) Liability.
  - (1) This Property Maintenance Code shall not in any manner serve to escalate the duties of the City of North Ridgeville, the Chief Building Official or the agents and employees in charge of the enforcement of the provisions therein, nor shall the provision of this code serve to create the basis for personal liability above or beyond the extent allowed by law



for any individual involved in the creation and or enforcement of the code.

- (2) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Chief Building Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Property Maintenance Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith, as already determined and allowed by law.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.04 DUTIES AND POWERS OF THE CHIEF BUILDING OFFICIAL**

- (a) General. The Chief Building Official shall enforce the provisions of this code.
- (b) Rule-Making Authority. The Chief Building Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- (c) Inspections. The Chief Building Official his agent, or designee shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Chief Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. In the event a code violation is subsequently found, the expense of the expert opinion may be assessed or charged as cost to the property owner.
- (d) Right of Entry. The Chief Building Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Chief Building Official is authorized to pursue recourse as provided by law.
- (e) Identification. The Chief Building Official or any person designated by the Chief Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

- (f) Notices and Orders. The Chief Building Official shall issue all necessary notices or orders to ensure compliance with this code.
- (g) Department Records. The Chief Building Official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.
- (h) Coordination of Inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one Chief Building Official of the jurisdiction or other authority having jurisdiction is involved, it shall be the duty of the Chief Building Officials or other authority having jurisdiction involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Chief Building Official having jurisdiction.

Ord. 4010-2004. Passed 4-5-04.)

#### **480.05 APPROVAL**

- (a) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. The Chief Building Official's decision to grant or deny a request of modification shall be subject to appeal under Section 1480.10.
- (b) Alternative Materials, Methods and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Chief Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (c) Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for

alternative materials or methods, the Chief Building Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. In the event a code violation is subsequently found, the expense of the expert opinion may be assessed or charged as cost to the property owner.

- (1) Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Chief Building Official shall approve the testing procedures.
- (2) Testing Agency. All tests shall be performed by an approved agency.
- (3) Test Reports. Reports of tests shall be retained by the Chief Building Official for the period required for retention of public records as long as the structure or tested products, materials or method utilized exist.
- (d) Material and Equipment Reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.06 NOTICES AND ORDERS**

- (a) Notice to Owner or to Person or Persons Responsible. Whenever the Chief Building Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in divisions (b) and (c) of this section. Notices for condemnation procedures shall also comply with Section 1480.07(c).
- (b) Form. Such notice prescribed in division (a) of this section shall be in accordance with all of the following:
  - (1) Be in writing.
  - (2) Include a description of the real estate sufficient for identification.
  - (3) Include a statement of the violation or violations and why the notice is being issued.
  - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
  - (5) Inform the property owner of the right to appeal.
- (c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:



- (1) Delivered personally;
  - (2) Sent by certified or first-class mail addressed to the last known address;  
or
  - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (d) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 1480.99.
- (e) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Chief Building Official and shall furnish to the Chief Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.07 UNSAFE STRUCTURES AND EQUIPMENT**

- (a) General. When a structure or equipment is found by the Chief Building Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of this code.
- (1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
  - (2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
  - (3) Structure Unfit for Human Occupancy. A structure is unfit for human

occupancy whenever the Chief Building Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (4) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law or without prior approval.
- (b) Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Chief Building Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Chief Building Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (c) Notice. Whenever the Chief Building Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1480.06(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1480.06(b).
- (d) Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Chief Building Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (e) Prohibited Occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (f) Removal of Placard. The Chief Building Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Chief Building Official shall be subject to the penalties provided by this code.

(Ord. 4010-2004. Passed 4-5-04.)

**1480.08 EMERGENCY MEASURES**

- (a) Imminent Danger. When, in the opinion of the Chief Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Chief Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Chief Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Chief Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (b) Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Chief Building Official, there is imminent danger due to an unsafe condition, the Chief Building Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Chief Building Official deems necessary to meet such emergency.
- (c) Closing Streets. When necessary for public safety, the Chief Building Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (d) Emergency Repairs. For the purposes of this section, the Chief Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. (Ord. 4010-2004. Passed 4-5-04.)
- (e) Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City may institute appropriate action against the owner of the premises where the unsafe structure or unsafe property is or was located for the recovery of such costs. Alternatively, the City may utilize the lien procedures contained in Ordinance No. 4429-2007 to recoup its costs for the performance of emergency work. (Ord. 4470-2007. Passed 10-15-07.)
- (f) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

(Ord. 4010-2004. Passed 4-5-04.)

**1480.09 DEMOLITION**



- (a) General. The Chief Building Official shall order the owner of any premises upon which is located any structure, which in the Chief Building Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
- (b) Notices and Orders. All notices and orders shall comply with Section 1480.06.
- (c) Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Chief Building Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other 'designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.10 MEANS OF APPEAL**

- (a) Application for Appeal.
  - (1) Any person directly affected by a decision of the Chief Building Official or a notice or order issued under this code shall have the right to appeal the North Ridgeville Board of Zoning and Appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.
  - (2) Exception: Any decision of the Chief Building Official, notice or order issued on subject matter specifically required by the Ohio Building

Code, shall make an appeal to the State of Ohio Board of Building Appeals and follow their requirements for application.

- (b) Appeal Procedure. The process of the appeal shall be in accordance with the rules and regulations of the North Ridgeville Board of Zoning and Appeals.
- (c) Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

(Ord. 4010-2004. Passed 4-5-04.)

## **DEFINITIONS**

### **1480.11 GENERAL**

### **1480.12 GENERAL DEFINITIONS**

#### **1480.11 GENERAL**

- (a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the current North Ridgeville Code (see Section 1480.41), such terms shall have the meanings ascribed to them as in those codes.
- (d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.12 GENERAL DEFINITIONS**

As used in this chapter:

- (a) "Approved." Approved by the Chief Building Official.
- (b) "Basement." That portion of a building which is partly or completely below grade.
- (c) "Bathroom." A room containing plumbing fixtures including a bathtub, shower, lavatory, toilet or urinal.



- (d) "Bedroom." Any room or space used or intended to be used for sleeping purposes.
- (e) "Chief Building Official." The official who is charged with the administration and enforcement of this code.
- (f) "Condemn." To adjudge unfit for occupancy.
- (g) "Dwelling." Any building, structure or part thereof, occupied or designed to be occupied as the home, residence or sleeping place of one or more persons. A dwelling may include one or more dwelling units or rooming units, or a combination of both.
- (h) "Dwelling unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation.
- (i) "Exterior property." The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (j) "Extermination." The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- (k) "Garbage." The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (l) "Guard." A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (m) "Habitable space." Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- (n) "Imminent danger." A condition which could cause serious or life-threatening injury or death at any time.
- (o) "Infestation." The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (p) "Labeled." Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.
- (q) "Legally existing." That which was code compliant, approved or inspected at the time of installation.
- (r) "Let for occupancy" or "let." To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or

- structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
- (s) "Occupancy." The purpose for which a building or portion thereof is utilized or occupied.
  - (t) "Occupant." Any individual living or sleeping in a building, or having possession of a space within a building.
  - (u) "Openable area." That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
  - (v) "Operator." Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
  - (w) "Owner." Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
  - (x) "Person." An individual, corporation, partnership or any other group acting as a unit.
  - (y) "Premises." A lot, plot or parcel of land including any structures thereon.
  - (z) "Public view." Anything not entirely concealed in a garage or suitable structure, not including fences or tarps, that can be viewed by the general public.
  - (aa) "Rooming house." A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
  - (ab) "Rooming unit." Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
  - (ac) "Rubbish." Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
  - (ad) "Strict liability offense." An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
  - (ae) "Structure." That which is built or constructed or a portion thereof, including, but not limited to, residences, garages, fences, enclosures, commercial buildings, outbuildings and storage structures.
  - (af) "Tenant." A person, corporation, partnership or group, whether or not the legal

owner of record, occupying a building or portion thereof as a unit.

- (ag) "Toilet room." A room containing a water closet or urinal but not a bathtub or shower.
- (ah) "Ventilation." The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (ai) "Workmanlike." Executed in a skilled and competent manner as recognized by the general standards of the trade or industry.
- (aj) "Yard." An open space on the same lot with a structure.

(Ord. 4010-2004. Passed 4-5-04.)

#### **GENERAL REQUIREMENTS**

##### **1480.13 GENERAL**

##### **1480.14 EXTERIOR PROPERTY AREAS**

##### **1480.15 EXTERIOR STRUCTURE**

##### **1480.16 INTERIOR STRUCTURE**

##### **1480.17 RUBBISH AND GARBAGE**

##### **1480.18 EXTERMINATION**

#### **1480.13 GENERAL**

- (a) Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- (b) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy or control.
- (c) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.14 EXTERIOR PROPERTY AREAS**

- (a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior

property which such occupant occupies or controls in a clean and sanitary condition.

(b) Grading and Drainage.

(1) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(2) Exception: Approved retention areas and reservoirs.

(c) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(d) Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(e) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

(f) Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(g) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(1) Gates. Gates which are required to be self-closing and self-latching in accordance with the current North Ridgeville Code (see Section 1480.41) shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

(2) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(h) Motor Vehicles.

(1) Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises in public view, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled in public view. Painting of vehicles is prohibited unless conducted inside an approved spray booth.



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

(i) Defacement of Property.

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

(Ord. 4010-2004. Passed 4-5-04.)

**1480.15 EXTERIOR STRUCTURE**

- (a) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted when the condition exists to an extent found to be sufficient to cause structural damage. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (c) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches (76 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (d) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) Foundation Walls. All foundation walls shall be maintained plumb and free from

open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

- (f) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- (h) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (j) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (k) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (l) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (m) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
  - (1) Glazing. All glazing materials shall be maintained free from cracks and holes.
  - (2) Operable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (n) Insect Screens.

- (1) Every door, window and other outside opening required for ventilation of habitable rooms when code required, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
- (2) Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (o) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 1480.38(c).
- (p) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.16 INTERIOR STRUCTURE**

- (a) General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (b) Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (c) Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition: Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- (d) Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair with proper anchorage and capable of supporting the imposed loads.
- (e) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (f) Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely

attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.17 RUBBISH AND GARBAGE**

- (a) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
  - (1) Rubbish shall be defined pursuant to both N.R.C.O. Section 650.01(d) and N.R.C.O. Section 1480.12(cc). (Ord. 5075-2013. Passed 10-7-13.)
- (b)
  - (1) Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - (2) Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- (c) Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
  - (1) Garbage Facilities. The owner of every dwelling shall supply an approved leakproof, covered, garbage container.
  - (2) Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.18 EXTERMINATION**

- (a) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (b) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) Single Occupant. The occupant of a one-family dwelling or of a single-tenant



nonresidential structure shall be responsible for extermination on the premises.

- (d) Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

- (e) Occupant.

- (1) The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
- (2) Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. 4010-2004. Passed 4-5-04.)

#### **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

##### **1480.19 GENERAL**

##### **1480.20 LIGHT**

##### **1480.21 VENTILATION**

##### **1480.22 OCCUPANCY LIMITATIONS**

#### **1480.19 GENERAL**

- (a) Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- (b) Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (c) Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the current North Ridgeville Code (see Section 1480.41) shall be permitted.
- (d) Exceptions. All legally existing structures are exempt from meeting the requirements set forth in this chapter.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.20 LIGHT**

- (a) Habitable Spaces.

- (1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed

area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

- (2) Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

- (b) Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.
- (c) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.21 VENTILATION**

- (a) Habitable Spaces.

- (1) Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 1480.20(a).
- (2) Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- (b) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with

the ventilation requirements for habitable spaces as required by division (a) of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(c) Cooking Facilities.

(1) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(2) Exception: Where specifically approved in writing by the Chief Building Official.

(d) Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(e) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(Ord. 4010-2004. Passed 4-5-04.)

**1480.22 OCCUPANCY LIMITATIONS**

(a) Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

(c) Minimum Ceiling Heights.

(1) Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

(2) Exceptions:

A. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

B. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not

less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

- C. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

- (d) Bedroom Requirements. Every bedroom shall comply with the requirements of division (d)(1) through (d)(5) of this section.

- (1) Area for Sleeping Purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

- (2) Access from Bedrooms.

- A. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

- B. Exception: Units that contain fewer than two bedrooms.

- (3) Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

- (4) Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

- (5) Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Sections 1480.23 through 1480.29; the heating facilities and electrical receptacle requirements of Sections 1480.30 through 1480.36; and the smoke detector and emergency escape requirements of Sections 1480.37 through 1480.40.

- (e) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table.

#### MINIMUM AREA REQUIREMENTS

---



SPACE	MINIMUM AREA IN SQUARE FEET		
	1 - 2 Occupants	3 - 5 Occupants	6 or More Occupants
Living Room <sup>a, b</sup>	No requirements	120	150
Dining Room <sup>a, b</sup>	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 1480.22(d)		

For S I: 1 square foot = 0.093 m<sup>2</sup>.

<sup>a</sup>See division (e)(2) of this section for combined living room/dining room spaces.

<sup>b</sup>See division (e)(1) of this section for limitations on determining the minimum occupancy area for sleeping purposes

- (1) Sleeping Area. The minimum occupancy area required by the above table shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with division (d) of this section.
- (2) Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of the above table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(f) Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 M<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by divisions (f)(2) and (3) of this section.
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- (4) The maximum number of occupants shall be three.

(g) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the

sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 4010-2004. Passed 4-5-04.)

## **PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **1480.23 GENERAL**

### **1480.24 REQUIRED FACILITIES**

### **1480.25 TOILET ROOMS**

### **1480.26 PLUMBING SYSTEMS AND FIXTURES**

### **1480.27 WATER SYSTEM**

### **1480.28 SANITARY DRAINAGE SYSTEM**

### **1480.29 STORM DRAINAGE**

### **1480.23 GENERAL**

- (a) Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (b) Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
- (c) Exceptions. All legally existing structures are exempt from meeting the requirements set forth in this chapter.

(Ord. 4010-2004. Passed 4-5-04.)

### **1480.24 REQUIRED FACILITIES**

- (a) Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (b) Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
- (c) Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (d) Employees' Facilities.
  - (1) A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(2) Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(e) Surfaces. Every water closet, lavatory and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water, so as to permit clean and sanitary conditions.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.25 TOILET ROOMS**

(a) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(b) Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(c) Location of Employee Toilet Facilities.

(1) Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

(2) Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.26 PLUMBING SYSTEMS AND FIXTURES**

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

(b) Fixture Clearances. Plumbing fixtures shall have adequate clearances for

usage and cleaning.

- (c) Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Chief Building Official shall require the defects to be corrected to eliminate the hazard. (Ord. 4010-2004. Passed 4-5-04.)

- (d) All requirements of Section 1046.22 apply to plumbing systems and fixtures in this chapter where applicable.

(Ord. 4383-2007. Passed 3-19-07.)

#### **1480.27 WATER SYSTEM**

- (a) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the current North Ridgeville Code (see Section 1480.41).
- (b) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (c) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (d) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.28 SANITARY DRAINAGE SYSTEM**

- (a) General. All plumbing fixtures shall be properly connected to either a public



sewer system or to an approved private sewage disposal system.

- (b) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.29 STORM DRAINAGE**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. 4010-02004. Passed 4-5-04.)

#### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

##### **1480.30 GENERAL**

##### **1480.31 HEATING FACILITIES**

##### **1480.32 MECHANICAL EQUIPMENT**

##### **1480.33 ELECTRICAL FACILITIES**

##### **1480.34 ELECTRICAL EQUIPMENT**

##### **1480.35 ELEVATORS, ESCALATORS AND DUMBWAITERS**

##### **1480.36 DUCT SYSTEMS**

#### **1480.30 GENERAL**

- (a) Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (b) Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.
- (c) Exceptions. All legally existing structures are exempt from meeting the requirements set forth in this chapter.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.31 HEATING FACILITIES**

- (a) Facilities Required. Heating facilities shall be provided in structures as required by this section.
- (b) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the current North Ridgeville Code (see

Section 1480.41). Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(c) Heat Supply.

- (1) Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.
- (2) Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the current North Ridgeville Code (see Section 1480.41).

(d) Occupiable Work Spaces.

- (1) Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.
- (2) Exceptions:
  - A. Processing, storage and operation areas that require cooling or special temperature conditions.
  - B. Areas in which persons are primarily engaged in vigorous physical activities.
  - C. Areas not required by code.

- (e) Room Temperature Measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(Ord. 4010-2004. Passed 4-5-04.)

**1480.32 MECHANICAL EQUIPMENT**

- (a) Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (b) Removal of Combustion Products.
  - (1) All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

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

- (c) Clearances. All required clearances to combustible materials shall be maintained.
- (d) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (e) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (f) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.33 ELECTRICAL FACILITIES**

- (a) Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 1480.34.
- (b) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the current North Ridgeville Code (see Section 1480.41). Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
- (c) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Chief Building Official shall require the defects to be corrected to eliminate the hazard.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.34 ELECTRICAL EQUIPMENT**

- (a) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (b) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit

interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

- (c) Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.35 ELEVATORS, ESCALATORS AND DUMBWAITERS**

- (a) General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

- (b) Elevators.

- (1) In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.
- (2) Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.36 DUCT SYSTEMS**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. 4010-2004. Passed 4-5-04.)

#### **FIRE SAFETY REQUIREMENTS**

##### **1480.37 GENERAL**

##### **1480.38 MEANS OF EGRESS**

##### **1480.39 FIRE-RESISTANCE RATINGS**

##### **1480.40 FIRE PROTECTION SYSTEMS**

#### **1480.37 GENERAL**

- (a) Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- (b) Responsibility. The owner of the premises shall provide and maintain such fire



safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

- (c) Exceptions. All legally existing structures are exempt from meeting the requirements set forth in this chapter.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.38 MEANS OF EGRESS**

- (a) General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.
- (b) Aisles. The required width of aisles in accordance with the current North Ridgeville Code (see Section 1480.41) shall be unobstructed.
- (c) Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the current North Ridgeville Code (see Section 1480.41).
- (d) Emergency Escape Openings. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the current North Ridgeville Code (see Section 1480.41) and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 1480.40.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.39 FIRE-RESISTANCE RATINGS**

- (a) Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.40 FIRE PROTECTION SYSTEMS**

- (a) Smoke Detectors. Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.
- (b) Installation. Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences, and hotel and lodging house guestrooms. Installation shall be in accordance with the current North Ridgeville Code (see Section 1480.41).
- (c) Power Source. In Group R occupancies, single-station smoke alarms shall be battery operated or shall receive their primary power from the building wiring provided that such wiring is served from a commercial source. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(Ord. 4010-2004. Passed 4-5-04.)

#### **REFERENCED STANDARDS**

##### **1480.41 REFERENCED STANDARDS**

##### **1480.99 VIOLATIONS: PENALTY**

#### **1480.41 REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 1480.02(g).

<b>ASME</b> <b>American Society of Mechanical Engineers</b> <b>Three Park Avenue</b> <b>New York, NY 10016-5990</b>		
<b>Standard Reference Number</b>	<b>Title</b>	<b>Referenced in Code Section Number</b>
A17.1-96	Safety Code for Elevators and Escalators - with A17.1a-97 and A17.1b-98 Addenda	1480.11(c)

<b>NORTH RIDGEVILLE CODES</b>		
<b>Codified Ordinance Chapter Number</b>	<b>Title</b>	<b>Referenced in Code Section Number</b>
1420	Ohio Building Code	1480.02(c), 1480.11(c), 1480.14(g)(1), 1480.19(c), 1480.38(c), 1480.38(d)

1423	One-, Two- and Three-Family Dwelling Code	1480.02(c), 1480.11(c), 1480.19(c), 1480.38(d)
1610	North Ridgeville Fire Code	1480.11(c), 1480.38(b), 1480.39(a), 1480.40(b)
Part 12	North Ridgeville Zoning Code	Throughout
Miscellaneous Sections	North Ridgeville Codified Ordinances	Throughout

(Ord. 4010-2004. Passed 4-5-04.)

#### **1480.99 VIOLATIONS; PENALTY**

- (a) Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- (b) Notice of Violation. The Chief Building Official shall serve a notice of violation or order in accordance with Section 1480.06.
- (c) Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 1480.06 shall be deemed guilty of a minor misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Chief Building Official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Where a subsequent violation of the same or a substantially similar violation occurs on the same property with the same ownership as the prior violation, each subsequent violation shall be a misdemeanor of the fourth degree and shall be subject to a fine of up to two hundred and fifty dollars (\$250.00) and a jail sentence of up to thirty (30) days or both.
- (d) Violation Penalties.
  - (1) Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
  - (2) Whoever violates any provisions of this property maintenance code is guilty of a minor misdemeanor and shall not be fined more than the maximum allowed under the Ohio Revised Code for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Where a subsequent violation of the same or a substantially similar violation occurs on the same property with the same ownership as the prior violation, each subsequent

violation shall be a misdemeanor of the fourth degree and shall be subject to a fine of up to two hundred and fifty dollars (\$250.00) and a jail sentence of up to thirty (30) days or both.

- (e) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. 4010-2004. Passed 4-5-04; Ord. 4470-2007. Passed 10-15-07.)



**EXHIBIT B****CHAPTER 1480 PROPERTY MAINTENANCE CODE**

1480.01 SCOPE AND INTENT  
1480.02 APPLICABILITY  
1480.03 INTERPRETATION OF DEFINITIONS  
1480.04 DEFINITIONS  
1480.05 PROPERTY MAINTENANCE INSPECTION  
1480.06 DUTIES AND POWERS OF THE CHIEF BUILDING OFFICIAL  
1480.07 NOTICES AND ORDERS  
1480.08 UNSAFE STRUCTURES AND EQUIPMENT  
1480.09 EMERGENCY MEASURES  
1480.10 DEMOLITION  
1480.11 MEANS OF APPEAL  
1480.12 GENERAL REQUIREMENTS  
1480.13 EXTERIOR PROPERTY AREAS  
1480.14 EXTERIOR STRUCTURE  
1480.15 VIOLATIONS  
1480.16 NUISANCE ABATEMENT  
1480.99 PENALTY

**CROSS REFERENCES**

Unsafe structures - see Ohio R.C. 715.26(B), 715.261  
Power to regulate building sanitation - see Ohio R.C. 715.29  
Sanitation of animal pens - see GEN. OFF. 618.14  
Safety, sanitation and health – see GEN. OFF. Ch. 660

**1480.01 SCOPE AND INTENT**

- (a) Title. These regulations shall be known as the North Ridgeville Property Maintenance Code, hereinafter referred to as "this code."
- (b) Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and appurtenant buildings and outbuildings and all existing premises.
- (c) Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (d) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**1480.02 APPLICABILITY**

- (a) General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 1480.01. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- (b) Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (c) Application of Other Codes. Repairs, additions or alterations to a structure or changes of occupancy shall be done in accordance with the procedures and provisions of the current North Ridgeville Codified Ordinances and applicable state building codes.

- (d) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.
- (e) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

#### 1480.03 INTERPRETATION OF DEFINITIONS

- (a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) Terms Defined in Other Codes. Where terms are not defined in this code, but are defined in the Ohio Building Code for commercial structures, including multi-family residential structures, the Residential Code of Ohio for one, two and three family residential structures, the Ohio Fire Code or the City of North Ridgeville Zoning Code, such terms shall have the meanings ascribed to them as in those codes.
- (d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) Parts. Whenever the words "dwelling unit," "dwelling," "premises" or "building" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

#### 1480.04 DEFINITIONS

- (a) "Approved." Approved by the Chief Building Official or duly authorized representative.
- (b) "Chief Building Official." The official who is charged with the administration and enforcement of this code.
- (c) "Condemn." To adjudge unfit for occupancy.
- (d) "Discarded materials." The accumulation of wood, appliances, furniture, mattresses, motor vehicle parts or tires, building materials, toys, recreational or sporting equipment, carpeting or any other material or equipment whereby its placement upon real property is not consistent with its intended normal use or due to its condition and/or state of disrepair is not usable for its normal intended use.
- (e) "Dwelling." Any building, structure or part thereof, occupied or designed to be occupied as the home, residence or sleeping place of one or more persons. A dwelling may include one or more dwelling units or rooming units, or a combination of both.
- (f) "Dwelling unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation.
- (g) "Exterior property." The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (h) "Extermination." The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- (i) "Garbage." The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. Vegetable waste as part of a managed compost heap shall not be considered garbage.
- (j) "Imminent danger." A condition which could cause serious or life-threatening injury or death at any time.
- (k) "Infestation." The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (l) "Inoperable vehicle." Motor vehicles that cannot, physically or lawfully, under their own power, and without repair or replacement of parts, be operated on the public streets of the City, or a motor vehicle which has no attached vehicle registration or to which the attached vehicle registration is expired or which vehicle registration attached is registered to another vehicle.
- (m) "Legally existing." That which was code compliant, approved or inspected at the time of installation.
- (n) "Occupancy." The purpose for which a building or portion thereof is utilized or occupied.
- (o) "Occupant." Any individual living or sleeping in a building, or having possession of a space within a

- building.
- (p) "Operator." Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
  - (q) "Owner." Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
  - (r) "Person." An individual, corporation, partnership or any other group acting as a unit.
  - (s) "Premises." A lot, plot or parcel of land including any structures thereon.
  - (t) "Public view." Anything not entirely concealed in a garage or suitable structure, not including fences or tarps, that can be viewed by the general public.
  - (u) "Rubbish." Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
  - (v) "Structure." That which is built or constructed or a portion thereof, including, but not limited to, residences, garages, fences, enclosures, commercial buildings, outbuildings and storage structures.
  - (w) "Ventilation." The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
  - (x) "Workmanlike." Executed in a skilled and competent manner as recognized by the general standards of the trade or industry.
  - (y) "Yard." An open space on the same lot with a structure.

#### **1480.05 PROPERTY MAINTENANCE INSPECTION**

- (a) General. The official in charge of property maintenance inspection is the Chief Building Official.
- (b) Inspectors. The Chief Building Official may designate other qualified City employees or agents providing code enforcement services under an authorized contract to act as inspectors under his supervision to enforce this code.

#### **1480.06 DUTIES AND POWERS OF THE CHIEF BUILDING OFFICIAL**

- (a) General. The Chief Building Official or designated agent shall enforce the provisions of this code.
- (b) Rule-Making Authority. The Chief Building Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
- (c) Inspections. The Chief Building Official or designated agent shall make all of the required inspections. All reports of such inspections shall be in writing. The Chief Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise. In the event a code violation is subsequently found, the expense of the expert opinion may be assessed or charged as cost to the property owner.
- (d) Right of Entry. The Chief Building Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Chief Building Official is authorized to pursue recourse as provided by law, including, but not limited to, the acquisition of an administrative search warrant.
- (e) Identification. The Chief Building Official or designated agent shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- (f) Notices and Orders. The Chief Building Official shall issue all necessary notices or orders to ensure compliance with this code.

**1480.07 NOTICES AND ORDERS**

- (a) Notice of Violation. Whenever the Chief Building Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner and/or responsible party in the manner prescribed in (b) and (c) below. Notices for condemnation procedures shall also comply with Section 1480.08(b).
- (b) Form. Such notice prescribed in (a) of this section shall be in accordance with all of the following:
  - (1) Be in writing.
  - (2) Include a description of the property sufficient for identification.
  - (3) Include a statement of the alleged violation or violations and why the notice is being issued.
  - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
  - (5) Inform the property owner of the right to appeal.
- (c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:
  - (1) Delivered personally; or
  - (2) Sent by regular first-class mail addressed to the occupant and owner listed by the Lorain County Auditor; or
  - (3) Sent by certified or registered mail addressed to the owner's last known address; or
  - (4) Posted in a conspicuous place on or about the structure or property affected by such notice.

**1480.08 UNSAFE STRUCTURES AND EQUIPMENT**

- (a) General. When a structure or equipment is found by the Chief Building Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of this code.
  - (1) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
  - (2) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
  - (3) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Chief Building Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or applicable state building codes, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
  - (4) Unlawful Structure. An unlawful structure is one found in whole or in part to have been erected, altered or occupied contrary to law or without prior approval.
- (b) Notice of Condemnation. If a structure is unfit for human occupancy, but is not in danger of structural collapse, the Chief Building Official is authorized to post a Notice of Condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. The Notice shall be in the form prescribed in Section 1480.07(b). Notice shall be posted in a conspicuous place on or about the structure affected by such Notice and served on the owner or the person or persons responsible for the structure in accordance with Section 1480.07(c). If the Notice pertains to equipment, it shall be placed on the condemned equipment.
- (c) Closing of Structures. Upon failure of the owner to close up the premises within the time specified in the Order, the Chief Building Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.



- (d) Prohibited Occupancy. Any person who occupies a condemned premises or operates condemned equipment, and any owner and/or responsible party for the premises who allows anyone to occupy such premises or operate such equipment shall be liable for the penalties provided by this code.
- (e) Removal of Condemnation. The Chief Building Official shall remove the Notice of Condemnation whenever the defect or defects upon which the condemnation were based have been eliminated. Any person who defaces or removes a Notice of Condemnation without the approval of the Chief Building Official shall be subject to the penalties provided by this code.

#### **1480.09 EMERGENCY MEASURES**

- (a) Imminent Danger. When, in the opinion of the Chief Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Chief Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Chief Building Official shall cause to be posted at each entrance to such structure an Imminent Danger Notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Chief Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.
- (b) Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Chief Building Official, there is imminent danger due to an unsafe condition, the Chief Building Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted. When necessary for public safety, the Chief Building Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (c) Emergency Repairs by City. If the owner and/or responsible party for the premises fails to provide temporary safeguards, the Chief Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The legal counsel of the City may institute appropriate action against the owner of the premises where the unsafe structure or unsafe property is or was located for the recovery of such costs. Alternatively, the City may utilize the lien procedures contained in Chapter 215 to recoup its costs for the performance of emergency work.
- (d) Hearing. Any person ordered to take emergency measures shall comply with such Order forthwith. Any affected person shall thereafter, upon petition directed to the Board of Zoning and Building Appeals, be afforded a hearing as described in Section 1480.11.

#### **1480.10 DEMOLITION**

- (a) General. The Chief Building Official shall order the owner of any premises upon which is located any structure, which in the Chief Building Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and in such cases where it is unreasonable to repair the structure, to demolish and remove such structure; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
- (b) Notices and Orders. All notices and orders shall comply with Section 1480.07.
- (c) Failure to Comply. If the owner of a premises fails to comply with a demolition order and/or fails to make the premises safe and sanitary through repairs within the time prescribed, the Chief Building Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**1480.11 MEANS OF APPEAL**

- (a) Application for Appeal. Any person directly affected by a decision of the Chief Building Official or a notice or order issued under this code shall have the right to appeal the North Ridgeville Board of Zoning and Building Appeals, provided that a written application for appeal is filed within the lesser of either 10 days after the date the notice or order was served or the date of the expiration of the abatement period set forth in the notice. Any decision of the Chief Building Official, notice or order issued on subject matter specifically required by the Ohio Building Code, shall make an appeal to the State of Ohio Board of Building Appeals and follow their requirements for application.
- (b) Standard for Review. An application for appeal shall be based on a claim that there is no basis in fact for the Chief Building Official's notice or order, or that the decision is arbitrary or capricious.
- (c) Appeal Procedure. The process of the appeal shall be in accordance with the rules and regulations of the Board of Zoning and Building Appeals.
- (d) Stay Pending Appeal. Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Zoning and Building Appeals. A stay pending appeal will not bar criminal prosecution for a violation of any provision of this code.

**1480.12 GENERAL REQUIREMENTS**

- (a) Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of the exterior of all premises, both residential and commercial, the grounds of such property and the condition of all buildings and structures thereon so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the City so as to avoid blighting effects and hazards to health, safety and welfare.
- (b) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy or control.
- (c) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**1480.13 EXTERIOR PROPERTY AREAS**

- (a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. No person shall allow the accumulation on any lot or in any such building, house, or structure, rubbish or other materials which shall or will, if such condition is suffered to continue, attract and propagate vermin or insects.
- (b) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (c) Discarded Materials. All exterior property and premises shall be maintained free of discarded materials.
- (d) Rubbish and Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Every owner and occupant of a structure shall dispose of rubbish and garbage in a clean and sanitary manner by placing such waste in an approved disposal facility or approved leakproof garbage containers.
- (e) Building Materials. No person shall allow the accumulation of building materials or construction equipment upon property and shall remove said materials or equipment from the exterior of the property, except when the owner is in the process of construction or making improvements upon said property. Where a building permit has been issued, said building materials or construction equipment shall be

- removed within 30 days of completion of construction. Where no building permit is required, storage of building materials or construction equipment may not exceed 30 days.
- (f) Grading and Drainage.
- (1) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
  - (2) Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.
- (g) Sidewalks, Parking Areas and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions such as, but not limited to:
- (1) Cracks or horizontal gaps exceeding one inch;
  - (2) Settling, buckling, heaving or other defects causing vertical displacement exceeding one inch;
  - (3) Instability, structural damage, disintegration or shattering; or
  - (4) Pitting, scaling, spalling or deterioration of the paved surface causing a potential hazard to pedestrians.
- (h) Vegetation.
- (1) Safe Flow of Traffic. All hedges, bushes, trees and other vegetation, both within and outside of the right-of-way, shall be kept trimmed and from becoming overgrown so that such growth does not interfere with the safe flow of traffic or is an obstruction to traffic sight lines or otherwise block, impede or interfere with traffic signs.
  - (2) Grass and Weeds. All premises and exterior property shall be maintained free from tall grass, weeds or uncultivated plant growth in excess of 8 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.
  - (3) Maintenance. All trees and shrubs which are dead, afflicted with decay, disease or insect infestation, or otherwise considered dangerous to other plant material; or are in such a condition that it shall or will, if such condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property or cause hurt, damage, or injury to persons or property upon public streets, or rights-of-way adjacent thereto, by the falling thereof or of parts thereof, shall be removed or appropriately treated.
- (i) Accessory Structures. All accessory structures, including but not limited to detached garages, storage sheds, pole barns, decks, gazebos, patios, fences and walls, shall be maintained structurally sound and in good repair. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (j) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- (k) Storage of Vehicles. No person shall store any motor vehicle in an inoperative or unlicensed condition on any lot for more than 72 hours. This section shall not be construed to prohibit the parking or placing of inoperative vehicles within garages. Further, this section shall not apply to vehicle repair establishments, vehicle towing facilities or similar legal and permitted businesses.

#### **1480.14 EXTERIOR STRUCTURE**

- (a) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted when the condition exists to an extent found to be sufficient to cause structural damage. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be

- stabilized and coated to inhibit future rust and corrosion.
- (c) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high with a minimum stroke width of 0.5 inch. Numbers shall not exceed a maximum of 24 inches in height.
  - (d) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
  - (e) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
  - (f) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
  - (g) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
  - (h) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - (i) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. In the event that such overhang is made of cloth, plastic or similar material, such material shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes.
  - (j) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Said areas shall be kept clear of hazards and debris and shall not be used as storage areas.
  - (k) Chimneys and Towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (l) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - (m) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
    - (1) Glazing. All glazing materials shall be maintained free from cracks and holes.
    - (2) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
  - (n) Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms when code required, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition. Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
  - (o) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with applicable building codes.
  - (p) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**1480.15 VIOLATIONS**



- (a) Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code, including the failure of any person, firm or corporation to comply with any order issued by the Chief Building Official pursuant to this code requiring any act to be undertaken.
- (b) Notice of Violation. The Chief Building Official shall serve any Notice of Violation or order in accordance with Section 1480.07.
- (c) Prosecution of Violation. If a person, firm or corporation to whom a Notice of Violation has been served does not bring the property at issue into compliance with the provisions of this code by the deadline established in the Notice of Violation or by the granted deadline extension, if any, such person shall be guilty of violation of this code and subject to the penalties set forth in Section 1480.99. If the notice of violation is not complied with, the Chief Building Official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- (d) Subsequent Violations. Where a new violation of the same or substantially similar violation type occurs on the same property with the same ownership within two years of a prior violation, the person, firm or corporation may be prosecuted without receipt of additional prior notice.

#### **1480.16 NUISANCE ABATEMENT**

- (a) Minor Nuisance Abatement. In addition to penalties provided by law, upon failure of the owner and/or occupier to correct violation conditions described in 1480.13(a) Sanitation, (c) Discarded Materials, (d) Rubbish and Garbage, (e) Building Materials or (h) Vegetation, within the time specified in the Notice of Violation, the Chief Building Official or designated agent may cause the violation to be abated through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (b) Subsequent Violations. For those violation conditions listed in (a) above, where a new violation of the same or a substantially similar violation type occurs on the same property with the same ownership within two years of a prior violation, the City may cause the violation to be abated without additional notification.
- (c) Cost of Abatement. Costs incurred in the performance of minor nuisance abatement shall be paid by the City. The Chief Building Official shall take action to put a lien on the property for the recovery of such costs. The costs may include all labor, equipment or other materials to correct or remove such nuisance, the fees of the officer serving the notices, the cost of public notice of any appeal hearings and an administrative fee equal to three percent (3%) of the cost to remove and abate such nuisance.

#### **1480.99 PENALTY**

- (a) Whoever violates any provisions of this property maintenance code is guilty of a minor misdemeanor and shall not be fined more than the maximum allowed under the Ohio Revised Code for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Where new violations of the same or a substantially similar violation type occur on the same property with the same ownership as a prior violation within two years, each subsequent violation shall be a misdemeanor of the fourth degree.
- (c) The imposition of the penalties shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**EXHIBIT C**

**CHAPTER 660 SAFETY, SANITATION AND HEALTH**

660.01 VENTING OF HEATERS AND BURNERS

660.02 SPREADING CONTAGION

660.03 NOXIOUS ODORS

660.04 REMOVAL AND DISPOSAL OF ICE AND SNOW

660.05 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN

660.06 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS

660.07 STORAGE OF JUNK VEHICLES

660.08 MOTOR VEHICLE GRAVEYARDS

660.09 BARRICADES AND WARNING LIGHTS

660.10 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY

660.11 ACCUMULATIONS OF WATER AND PUTRID SUBSTANCES; OBSTRUCTION OF CULVERTS, DRAINS AND WATERCOURSES

660.12 FENCES (REPEALED)

660.13 SMOKING IN PLACES OF PUBLIC ASSEMBLY

660.14 LITTERING; POLLUTING AND DIVERTING WATERCOURSES; DEPOSITING PUTRID SUBSTANCES; PLACEMENT OF GARBAGE FOR COLLECTION

660.15 NOTICE TO REMOVE LITTER AND DEBRIS, CUT WEEDS AND PROVIDE PROPER DRAINAGE; ABATEMENT; ACTION BY CITY; RECOVERY OF COSTS

660.16 PERIODIC INSPECTIONS OF PROPERTY BY COUNTY HEALTH DEPARTMENT OR FIRE CHIEF FOR NUISANCE CONDITIONS; ABATEMENT; ACTION BY CITY; RECOVERY OF COSTS

660.17 DEPOSITING OF WASTE BY-PRODUCTS; DUMPING STANDARDS

660.18 DUMPING INTO STORM SEWERS AND DITCHES

660.19 RECOVERY OF COSTS FOR CLEAN UP OF ENVIRONMENTAL SPILLS

660.20 TOPSOIL OR SUBSOIL EXCAVATION OR REMOVAL

660.21 UNAUTHORIZED USE OF SOUTH CENTRAL PARK LAKE

660.22 STORAGE OF TOXIC SUBSTANCES OR HAZARDOUS MATERIALS; DISCLOSURE

660.23 SUMP PUMPS PROHIBITED FROM DISCHARGING OR DIRECTING WATER INTO A DESIGNATED RIGHT-OF-WAY

**CROSS REFERENCES**

See section histories for similar State law

Excavation liability - see Ohio R.C. 723.49 et seq.

Nuisances - see Ohio R.C. Ch. 3767

Placing injurious material or obstruction in street - see TRAF. 412.01

Littering from motor vehicles - see TRAF. 432.40

Safety and equipment for motor vehicles - see TRAF. Ch. 438

Loads dropping or leaking; tracking mud; removal required - see TRAF. 440.09

Willfully leaving vehicles on private or public property - see TRAF. 452.05

Rabies quarantine; inoculation - see GEN. OFF. 618.11, 618.12

Animal nuisances - see GEN. OFF. 618.13

**EXHIBIT C**

Placing harmful substance or objects in food or confection - see GEN. OFF. 636.16

Riot - see GEN. OFF. 648.01 et seq.

Inducing panic - see GEN. OFF. 648.07

Public nuisances - see GEN. OFF. Ch. 650

Weapons and explosives - see GEN. OFF. Ch. 672

**660.01 VENTING OF HEATERS AND BURNERS**

- (a) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases must comply with the following provisions;
  - (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed, and maintained as to vent the products of combustion outdoors; except in storage, factory, or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning.
  - (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed, or structure in which persons are temporarily present, shall be vented as provided in division (a)(1) or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.
- (b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.
- (c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.
- (d) Division (a) above does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shut-off system, and that has its fuel piped from a source outside the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82.
- (e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (a) above when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.
- (f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this division.
- (g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100°F

**EXHIBIT C**

or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.

- (h) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum gas space heater from operating shall be sold, offered for sale, or used in connection with any kerosene, natural gas, or liquid petroleum gas space heater.
- (i) No person shall sell or offer for sale any kerosene-fired, natural gas, or liquid petroleum gas-fired heater that is not exempt from division (a) above, unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use."
- (j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him or her under Ohio R.C. 3737.82. (ORC 3701.82)
- (k) Whoever violates this section is guilty of a misdemeanor of the first degree.

(ORC 3701.99(B))

**660.02 SPREADING CONTAGION**

- (a) No person, knowing or having reasonable cause to believe that he or she is suffering from a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing himself or herself to other persons, except when seeking medical aid.
- (b) No person, having charge or care of a person whom he or she knows or has reasonable cause to believe is suffering from a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion.
- (c) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and knowing or having reasonable cause to believe that persons using such conveyance or place have been or are being exposed to a dangerous, contagious disease, shall negligently fail to take reasonable measures to protect the public from exposure to the contagion, and to inform health authorities of the existence of the contagion. (ORC 3701.81)
- (d) Whoever violates this section is guilty of a misdemeanor of the second degree.

(ORC 3701.99(C))

**660.03 NOXIOUS ODORS**

- (a) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.
- (b) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.
- (c) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.
- (d) Persons who are engaged in agriculture-related activities, as "agriculture" is defined in Ohio R.C. 519.01, and who are conducting those activities outside the Municipality, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a



**EXHIBIT C**

substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (a) and (b) above and from any ordinances, resolutions, rules, or other enactments of the Municipality that prohibit excessive noise. (ORC 3767.13)

(e) Whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 3767.99(C))

**660.04 REMOVAL AND DISPOSAL OF ICE AND SNOW**

(a) No owner, occupant or person having the care of any building or lot of land bordering on any street with a graded or paved sidewalk shall fail, within the first four hours after daylight following or during a fall of snow, to cause the snow to be removed from such walk. This provision shall include snow or ice falling from any building. Whenever such sidewalk, or any part thereof, shall become encumbered with ice, the owner, occupant or person in control, within the first four hours after daylight following or during its formation, shall cause such sidewalk to be made safe by removing such ice or sprinkling the same with sand or other suitable substance.

(b) No person shall cause to be deposited or moved upon the main traveled portion of any roadway any snow or ice. The removal of snow or ice from public or private property by any person shall be done in such a manner as not to interfere with the lawful use of the streets of the City by vehicular traffic.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 997-74. Passed 10-21-74.)

**660.05 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN**

(a) No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated. (ORC 723.011)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2606-91. Passed 12-23-91.)

**660.06 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS**

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1 1/2 cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse official or repair technician. (ORC 3767.29)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

**EXHIBIT C**

(Ord. 2606-91. Passed 12-23-91.)

**660.07 STORAGE OF JUNK VEHICLES**

(a)

- (1) For purposes of this section, "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; apparently inoperable; and having a fair market value of one thousand five hundred dollars (\$1,500.00) or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Ohio R.C. 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.
- (2) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the Municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.
- (3) The Police Chief, the Council, or the zoning authority may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.
- (4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

- (b) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of this section, whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4513.65)

**660.08 MOTOR VEHICLE GRAVEYARDS**

- (a) No person shall operate or maintain a motor vehicle graveyard within the City. Any person operating or maintaining such an establishment prior to the effective date of this section (Ordinance 928-74, passed January 14, 1974) shall be permitted to continue such operation. However, nothing herein shall be construed to permit any person operating or maintaining a motor vehicle graveyard to enlarge, expand or increase the size of such motor vehicle

**EXHIBIT C**

graveyard. Every such graveyard subject to this section shall be surrounded by an enclosure at least six feet in height, constructed of wood or other nontransparent material, and maintained so as to obscure the junked motor vehicles from the view of persons passing upon the streets and highways. Any fence constructed under this section must be approved by the Chief Building Official and shall be kept in good order and repair, with no advertisement thereon, other than the name or the nature of the business conducted therein. No such name, as aforesaid, shall exceed six square feet in overall dimensions.

- (b) For purposes of this section, "motor vehicle graveyard" means any residence, private property, establishment or place of business which is used, operated or maintained for the purpose of storing, keeping, buying, selling, destroying, dismantling or otherwise disposing of a licensed or unlicensed motor vehicle of any kind, which is in a wrecked, junked, completely or partially dismantled, inoperative or abandoned condition. Any property containing a dismantled vehicle at any time, or any property that has contained an unlicensed vehicle for more than seventy-two hours, not housed in an appropriate structure, shall constitute a motor vehicle graveyard within the context of this section.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 928-74. Passed 1-14-74.)

**660.09 BARRICADES AND WARNING LIGHTS**

- (a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.
- (b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.
- (c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.
- (d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

(Ord. 2606-91. Passed 12-23-91.)

**660.10 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY**

- (a) No person shall place or knowingly drop upon any part of a sidewalk or playground any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.
- (b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.
- (c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.



**EXHIBIT C**

- (d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.
- (e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous conditions.
- (f) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

(Ord. 2606-91. Passed 12-23-91.)

**660.11 ACCUMULATIONS OF WATER AND PUTRID SUBSTANCES; OBSTRUCTION OF CULVERTS, DRAINS AND WATERCOURSES**

- (a) No owner, occupant or person in charge of any lot or parcel of ground shall cause or permit water to accumulate thereon and become stagnant, permit culverts, drains or natural watercourses thereon to become obstructed, or cause or permit any putrid or unsanitary substance or other potentially contaminating pollutant to accumulate thereon or to be released or located thereon.
- (b) The City or its designee shall have the authority to enter upon private land or private facilities whenever necessary to investigate violations of this section, or other provisions of Chapter 660 or Section 1028.06, or provisions of Chapter 1040 of these Codified Ordinances. Such entry shall be gained by whatever legal means necessary, including but not limited to, consent, entry warrant or when necessary in an emergency or upon other exigent circumstances to protect the health, welfare and safety of the citizens of North Ridgeville.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02. In addition to the foregoing penalty, Chapter 660, Section 1028.06 and Chapter 1040, where appropriate, shall also be subject to Sections 660.16 and 660.19, recovery of costs.

(Ord. 928-74. Passed 1-14-74; Ord. 4059-2004. Passed 9-7-04.)

**660.12 FENCES (REPEALED)**

(EDITOR'S NOTE: Section 660.12 was repealed by Ordinance No. 5957-2022, passed June 6, 2022.)

**660.13 SMOKING IN PLACES OF PUBLIC ASSEMBLY**

- (a) As used in this section, "place of public assembly" means:
  - (1) Enclosed theaters, except the lobby; opera houses; auditoriums; classrooms; elevators; rooms in which persons are confined as a matter of health care, including but not limited to a hospital room and a room in a rest home serving as the residence of a person living in such rest home;
  - (2) All buildings and other enclosed structures owned by the State, its agencies or political subdivisions, including but not limited to hospitals and State institutions for the mentally ill and persons with intellectual disabilities; university and college buildings, except rooms within those buildings used primarily as the residences of students or other persons affiliated with the university or college; office buildings; libraries; museums; and



**EXHIBIT C**

vehicles used in public transportation. That portion of a building or other enclosed structure that is owned by the State, a State agency or a political subdivision and that is used primarily as a food service establishment is not a place of public assembly.

- (3) Each portion of a building or enclosed structure that is not included in subsection (a)(1) or (2) hereof is a place of public assembly if it has a seating capacity of fifty or more persons and is available to the public. Restaurants, food service establishments, dining rooms, cafes, cafeterias or other rooms used primarily for the service of food, as well as bowling alleys and places licensed by the Department of Liquor Control to sell intoxicating beverages for consumption on the premises, are not places of public assembly.
- (b) For the purpose of separating persons who smoke from persons who do not smoke for the comfort and health of persons not smoking, in every place of public assembly there shall be an area where smoking is not permitted, which shall be designated a no smoking area, provided that not more than one-half of the rooms in any health care facility in which persons are confined as a matter of health care may be designated as smoking areas in their entirety. The designation shall be made before the place of public assembly is made available to the public. In places included in division (a)(1) of this section, the local fire authority having jurisdiction shall designate the no smoking area. In places included in division (a)(2) of this section that are owned by the State or its agencies, the Ohio Director of Administrative Services shall designate the area, and if the place is owned by a political subdivision, its legislative authority shall designate an officer who shall designate the area. In places included in division (a)(3) of this section, the person having control of the operations of the place of public assembly shall designate the no smoking area. In places included in division (a)(2) of this section which are also included in division (a)(1) of this section, the officer who has authority to designate the area in places in division (a)(2) of this section shall designate the no smoking area. A no smoking area may include the entire place of public assembly. Designations shall be made by the placement of signs that are clearly visible and that state "no smoking." No person shall remove signs from areas designated as no smoking areas.
- (c) This section does not affect or modify the prohibition contained in Ohio R.C. 3313.751(B).
- (d) No person shall smoke in any area designated as a no smoking area in accordance with division (b) of this section.
- (e) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 3791.031)

**660.14 LITTERING; POLLUTING AND DIVERTING WATERCOURSES; DEPOSITING PUTRID SUBSTANCES; PLACEMENT OF GARBAGE FOR COLLECTION**

- (a) No person shall, without lawful authority, place or dispose of, in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- (b) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.
- (c) No person shall put the carcass of a dead animal or the offal from a slaughterhouse, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish or other putrid substance, or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal,

**EXHIBIT C**

road, street, alley, lot, field, meadow, public ground, market place or common. No person, being the owner or occupant of such place, shall knowingly permit such thing to remain therein to the annoyance of any citizen or shall neglect to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof, in writing, from the Safety-Service Director. (Ord. 928-74. Passed 1-14-74.)

- (d) No person shall cause or allow trash, garbage, waste, rubbish, refuse or other materials or substances to be placed on the curbside earlier than thirty-six hours before the designated day of collection. (Ord. 2387-89. Passed 7-31-89.)
- (e) Whoever violates any provision of subsections (a), (b) or (c) hereof is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02. (Ord. 928-74. Passed 1-14-74.)
- (f) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

(Ord. 2387-89. Passed 7-31-89.)

**660.15 NOTICE TO REMOVE LITTER AND DEBRIS, CUT WEEDS AND PROVIDE PROPER DRAINAGE; ABATEMENT; ACTION BY CITY; RECOVERY OF COSTS**

- (a) No owner, occupant, or person having the charge or management of any lot or parcel of land within the City shall fail to keep such property free and clear of all debris, foliage, vagrant, luxuriant growth and weeds and other hazards. Every such owner, occupant, or person is hereby required to cut all such weeds and vegetation on the lots controlled by him or her at least once a month, or as necessary so as not to exceed 12 inches each year. Clearing of debris and excessive growth or shrubs is necessary upon notification by the City. Cutting is necessary when grass, weeds or other growth exceed 12 inches in height. On large properties or on properties where obstacles inhibit effective cutting, the City reserves the right to modify the extent of cutting required where the expense would be prohibitive; or the obstacles to clear cutting the property make cutting either dangerous, a hazard, or overly expensive. Any such property owner or person having charge of such property who is notified pursuant to division (b) and (c) of this section shall have said property cut or cleared of debris throughout a single growing season and shall have a lien placed against said property pursuant to division (d) of this section without further notification should that owner or person fail to properly clear such land. Should the property owner or person in charge of such property contact the Safety-Service Director or his or her designee and request that the property not be cut and affirm that he or she will maintain said property, the City shall cease to cut the property and shall not continue to lien the property beyond the amount expended by the City to that point in time. However, should the growth on a property once notified again exceed 12 inches, or should debris accumulate on the property, that property may again be cut or cleaned by the City without additional notification in a single growing season.
- (b) Upon receipt of a written, signed complaint, not construed by the Safety-Service Director or his or her designee to be lacking merit, from an adjacent, abutting or adjoining property owner, or upon determination by the Fire Chief that a hazard exists, or upon determination by the Safety-Service Director or his or her designee that the grass or weeds on the property exceeds twelve inches in height, the Safety-Service Director or his or her designee shall post upon the property, in a place highly visible, notification that a hazard or complaint or excessive growth exists, giving the property owner five days for compliance.
- (c) At the same time a property is posted, the Safety-Service Director or his or her designee shall serve on the owner or person having charge of such land notification that a hazard or complaint or excessive growth exists, giving five days for compliance. Such notice shall be sent by certified mail to the property owner's address on file in the County Auditor's office. A copy of this



**EXHIBIT C**

section shall be included with the notification sent by the Safety-Service Director or his or her designee.

- (d) If compliance is not had within the five-day time frame provided for in divisions (b) and (c) of this section, the Safety-Service Director or his or her designee will cause to be done the work necessary for compliance, the amount expended therefore to be a valid claim against such owner and charged as a lien on the property certified to the County Auditor for collection the same as other taxes or assessments. Work may commence at the end of the five-day period in division (c) of this section whether or not certified mail notice is confirmed to be accepted.
- (e) Whoever violates this section is guilty of a minor misdemeanor and may be subject to the penalty provided in Section 698.02 if compliance is not forthcoming through the procedures outlined in divisions (a) through (d) of this section. Each day of non-compliance may be considered a separate offense. The owner or person in charge of the property may be subject to this section's criminal penalties in addition to the procedures outlined in divisions (a) through (d) of this section.

(Ord. 2195-87. Passed 7-6-87; Ord. 3740-01. Passed 11-19-01.)

**660.16 PERIODIC INSPECTIONS OF PROPERTY BY COUNTY HEALTH DEPARTMENT OR FIRE CHIEF FOR NUISANCE CONDITIONS; ABATEMENT; ACTION BY CITY; RECOVERY OF COSTS**

- (a) Independent of the annual clean-up and inspection provided for in Section 660.15, the County Health Department or the Chief of the Fire Department shall make periodic inspection of properties within the City and shall report all violations of Section 660.11 to Council, who shall thereupon, by resolution, proceed to order such nuisances abated as provided for in Section 660.15.
- (b) In case of failure or refusal to comply with any such resolution of Council, the work required thereby may be done at the expense of the City, and the amount of money expended therefor shall be a valid claim against the owner, occupant or person in charge and a lien upon such land, which may be enforced by suit in any court of competent jurisdiction. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment for a violation of any section of this chapter or of any other criminal law or ordinance in force within the City.

(Ord. 928-74. Passed 1-14-74.)

**660.17 DEPOSITING OF WASTE BY-PRODUCTS; DUMPING STANDARDS**

- (a) Before a permit to deposit is issued by the City Engineer to any site operator for the deposit of any material which is a waste by-product of any industry, utility or commerce, the following standards, guidelines and regulations must be met:
  - (1) Written approval by the EPA of site plans, materials to be deposited, the method of hauling, the method of deposit, and the method of control of odors and/or gases, must be obtained.
  - (2) Written approval by the EPA of control measures to be used to control fugitive dust (Reasonable Available Control Measures (RACM)) must be obtained.
  - (3) A certificate of insurance for the deposit hauler, from an insurance company licensed by the State Department of Insurance, which provides for a minimum of two million dollars (\$2,000,000) of auto liability coverage for the period of deposit must be obtained.
  - (4) A certificate of insurance from an insurance company licensed by the State Department of Insurance, which names the City as an additional insured for any bodily injury and/or

**EXHIBIT C**

property damage which may occur as a result of the deposit or the deposit operation, must be obtained. The amount of such policy shall be a minimum of two million dollars (\$2,000,000) and it shall be maintained throughout the period of the deposit operation. (Ord. 1957-84. Passed 11-5-84.)

- (5) Payment of fifty thousand dollars (\$50,000) to the City, which represents the permit fee to be paid each year of deposit on the anniversary of the issuance of the permit, shall be made. (Ord. 2457-90. Passed 5-7-90.)
  - (6) A bond shall be posted in an amount determined by the City Engineer to be adequate to provide for any cost necessary to remedy any of the following: failing to compact and cover the deposit with a nine inch soil covering daily; improper drainage; and the cleaning of City streets and roadways necessary to remove drag-out and fugitive dust from the site operation. The bond deposited with the City Engineer may be used to remedy the above violations after the site operator is notified, in writing, by the City Engineer of the violations and such operator fails to remedy the problem within sixty days.
  - (7) The City Engineer's approval of site plans, materials to be deposited, the method of hauling, the method of deposit, and the method of control of odors and/or gases, must be obtained.
  - (8) Detailed plans for monthly surface and ground water monitoring shall be approved by the City Engineer.
  - (9) Detailed procedure to be used for the weekly chemical analysis of the deposited material shall be approved by the City Engineer.
  - (10) Copies of titles to, lease agreements for, or purchase orders for, the equipment to be used to sweep and flush, to compact the deposit and to clean the vehicles used in all aspects of the deposit operation, which vehicles may find themselves on the City streets and roadways, shall be required.
- (b) Site operation hours are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and 9:00 a.m. to 5:00 p.m. on Sunday.
- (c) The deposit of toxic, hazardous and/or active materials is hereby expressly prohibited.
- (d) The site operator shall maintain a log book in which the date, the manner of operation, and the rates of application of water chemical additives to treat lots or roadways, are recorded. The log shall also record the date and the method and results of weekly chemical analysis of the deposited material, as well as the date and the method and results of monthly ground and surface water analysis.
- (e) Monitoring wells, the depth, number and necessity of which shall be determined by the City Engineer, may be required.
- (f) The City Engineer shall make monthly inspections of all dumping operations to insure compliance with EPA standards and the provisions of this section. The City Engineer shall notify the site operator in writing of any violations, and the site operator will be given sixty days to remedy the violations cited. The failure to remedy the violations shall cause the permit to be revoked. No deposit site operator shall continue to operate or operate without benefit of a permit.
- (g) For purposes of this section, the term "deposit" shall not mean the using, spreading or laying of slag, petroleum by-products or other materials, except fly-ash, commonly used in road construction or maintenance or materials commonly used for snow and ice control, or the storage or use of any materials by the City.

**EXHIBIT C**

- (h) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 1957-84. Passed 11-5-84.)

**660.18 DUMPING INTO STORM SEWERS AND DITCHES**

- (a) No person shall discharge of any of the following substances into the storm sewers and ditches within the City:
- (1) Any garbage, solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage, processing and sale of food products and produce;
  - (2) Flammable or explosive liquids, solids or gases;
  - (3) Solid or viscous substances in quantities capable of causing obstruction to the flow of the storm sewers and ditches. Such substances include, but are not limited to, grass clippings, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, hair, animal wastes, parts or bodies of animals, lime slurry, lime residue, paint residues, fiber, glass or bulk solids.
  - (4) Any noxious or malodorous substances which can form a gas, which, singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to health, life or property;
  - (5) Any water or waste which contains wax, acids, grease, oil or plastic;
  - (6) Any hazardous materials or toxic substances as defined by EPA standards.
- (b) The following are types of authorized discharges provided that Ohio EPA has not determined and notified the City in writing that these sources are substantial contributors of pollutants to the City's municipal separate storm sewer system: waterline flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawl space pumps, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 5369-2016. Passed 5-16-16.)

**660.19 RECOVERY OF COSTS FOR CLEAN UP OF ENVIRONMENTAL SPILLS**

It shall henceforth be the practice and policy of the Mayor or his or her designee, for purposes of protecting and preserving the health, safety and environment of the City, to charge any person responsible for causing or allowing an unauthorized spill, release or discharge of materials into or upon the environment for the necessary and reasonable, additional or extraordinary costs the City incurs in investigating, mitigating, minimizing, removing or abating the spill, release or discharge in the course of an emergency action, provided that the criteria and methods prescribed under 40 C.F.R. Part 300, as amended, are utilized and adhered to.

(Ord. 2358-89. Passed 5-1-89.)



**EXHIBIT C****660.20 TOPSOIL OR SUBSOIL EXCAVATION OR REMOVAL**

- (a) No person shall excavate or remove, or cause or permit the excavation or removal of, any soil, sand, gravel or other deposits under the topsoil layer from any land located within the City.
- (b) The following types of excavation or removal of soil, sand, gravel or other deposits are not prohibited, insofar as they do not create a public nuisance:
  - (1) Excavation or removal necessary for the erection, construction or alteration of buildings at the location where such excavation or removal is made.
  - (2) Excavation or removal necessary for installation of sidewalks or driveways at the location where such excavation or removal is made.
  - (3) Excavation or removal necessary for agricultural or horticultural purposes or uses which are carried out by the owner of the land upon which such excavation or removal is made.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2374-89. Passed 6-19-89.)

**660.21 UNAUTHORIZED USE OF SOUTH CENTRAL PARK LAKE**

- (a) No person shall fish, swim, bathe, wade, boat or otherwise use the lake located at South Central Park, except as specifically authorized by City rules or regulations, which rules or regulations shall be posted on signs at conspicuous places around the lake.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 1529-79. Passed 6-25-79.)

**660.22 STORAGE OF TOXIC SUBSTANCES OR HAZARDOUS MATERIALS; DISCLOSURE**

- (a) All operators of commercial and/or industrial storage facilities, including operators of self-storage units, are required to disclose to the Fire Department the presence of toxic substances or hazardous materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases.
- (b) All leases governing the rental of storage units or facilities shall either:
  - (1) Prohibit the storage of any hazardous or toxic substances or materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases; or
  - (2) Require disclosure of the storage of any hazardous or toxic substances or materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases, to the operator of the storage unit or facility and the Fire Department.
- (c) Any owner or operator or person using the storage facility or unit who violates this section is guilty of a misdemeanor of the fourth degree and subject to the penalty provided in Section 698.02.

EXHIBIT C

(Ord. 3344-98. Passed 5-18-98.)

**660.23 SUMP PUMPS PROHIBITED FROM DISCHARGING OR DIRECTING WATER INTO A DESIGNATED RIGHT-OF-WAY**

- (a) It is hereby prohibited to have a sump pump which directs or allows water to be discharged into a designated right-of-way which creates a nuisance or hazardous condition.
- (b) When the City finds an individual in violation of this section, written notice shall state where and in what respect the violation exists and shall specify a reasonable period of time in which to conform.
- (c) An individual who fails to conform within the period of time provided is guilty of a misdemeanor of the first degree. A separate offense shall be committed each day during or on which a violation occurs or continues. The penalty shall be as provided in N.R.C.O. Section 698.02.

(Ord. 5515-2018. Passed 2-5-18.)

**EXHIBIT D****CHAPTER 660 SAFETY, SANITATION AND HEALTH**

660.01 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY  
660.02 REMOVAL OF ICE AND SNOW  
660.03 ABANDONED EXCAVATIONS; BARRICADES AND WARNING LIGHTS  
660.04 MOTOR VEHICLE GRAVEYARDS  
660.05 ACCUMULATIONS OF STAGNANT WATER; OBSTRUCTION OF CULVERTS, DRAINS AND WATERCOURSES  
660.06 LITTERING; POLLUTING AND DIVERTING WATERCOURSES; DEPOSITING PUTRID SUBSTANCES  
660.07 PLACEMENT OF GARBAGE FOR COLLECTION  
660.08 TOPSOIL OR SUBSOIL EXCAVATION OR REMOVAL  
660.09 UNAUTHORIZED USE OF SOUTH CENTRAL PARK LAKE  
660.10 DUMPING INTO STORM SEWERS AND DITCHES  
660.11 SUMP PUMPS PROHIBITED FROM DISCHARGING OR DIRECTING WATER INTO A DESIGNATED RIGHT-OF-WAY  
660.12 DEPOSITING OF WASTE BY-PRODUCTS; DUMPING STANDARDS  
660.13 STORAGE OF TOXIC SUBSTANCES OR HAZARDOUS MATERIALS; DISCLOSURE  
660.14 RECOVERY OF COSTS FOR CLEAN UP OF ENVIRONMENTAL SPILLS

**CROSS REFERENCES**

Excavation liability - see Ohio R.C. 723.49 et seq.  
Nuisances - see Ohio R.C. Ch. 3767  
Placing injurious material or obstruction in street - see TRAF. 412.01  
Littering from motor vehicles - see TRAF. 432.40  
Safety and equipment for motor vehicles - see TRAF. Ch. 438  
Loads dropping or leaking; tracking mud; removal required - see TRAF. 440.09  
Willfully leaving vehicles on private or public property - see TRAF. 452.05  
Rabies quarantine; inoculation - see GEN. OFF. 618.11, 618.12  
Animal nuisances - see GEN. OFF. 618.13  
Placing harmful substance or objects in food or confection - see GEN. OFF. 636.16  
Riot - see GEN. OFF. 648.01 et seq.  
Inducing panic - see GEN. OFF. 648.07  
Weapons and explosives - see GEN. OFF. Ch. 672

**660.01 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY**

- (a) No person shall place or knowingly drop upon any part of a sidewalk or public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or public place.
- (b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.
- (c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour. No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.
- (d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. A

separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

#### **660.02 REMOVAL OF ICE AND SNOW**

- (a) No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.
- (b) No person shall cause to be deposited or moved upon the traveled portion of any roadway any snow or ice. The removal of snow or ice from public or private property by any person shall be done in such a manner as not to interfere with the lawful use of the streets of the City by vehicular traffic.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

#### **660.03 ABANDONED EXCAVATIONS; BARRICADES AND WARNING LIGHTS**

- (a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to persons or property.
- (b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury.
- (c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.
- (d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

#### **660.04 MOTOR VEHICLE GRAVEYARDS**

- (a) No person shall operate or maintain a motor vehicle graveyard within the City. Any person legally operating or maintaining such an establishment prior to the effective date of this ordinance shall be permitted to continue such operation. However, nothing herein shall be construed to permit any person operating or maintaining a motor vehicle graveyard to enlarge, expand or increase the size of such motor vehicle graveyard. Every such graveyard subject to this section shall be surrounded by an enclosure at least six feet in height, constructed of wood, vinyl or other solid material, and maintained so as to obscure all junked motor vehicles from the view of persons passing upon the streets and highways. Such fence shall meet the requirements of the zoning code. All loading and unloading of junked motor vehicles must take place completely within the fenced enclosure.
- (b) For purposes of this section, "motor vehicle graveyard" means any establishment which is used, operated or maintained for the purpose of storing, keeping, buying, selling, destroying, dismantling or otherwise disposing of a licensed or unlicensed motor vehicle of any kind, which is in a wrecked, junked, completely or partially dismantled, inoperative or abandoned condition.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

#### **660.05 ACCUMULATIONS OF STAGNANT WATER; OBSTRUCTION OF CULVERTS, DRAINS AND WATERCOURSES**

- (a) No owner, occupant or person in charge of any lot shall cause or permit water to accumulate thereon and become stagnant, permit culverts, drains or natural watercourses thereon to become obstructed, or cause or

- permit any unsanitary substance or other contaminating pollutant to accumulate or to be released or located thereon.
- (b) The City or its designee shall have the authority to enter upon private land or private facilities whenever necessary to investigate violations of this section, or other provisions of Chapter 660, Chapter 1028 or Chapter 1040 of these Codified Ordinances. Such entry shall be gained by whatever legal means necessary, including but not limited to, consent, entry warrant or when necessary in an emergency or upon other exigent circumstances to protect the health, welfare and safety of the citizens of North Ridgeville.
  - (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02. In addition to the foregoing penalty, Chapter 660, Chapter 1028 and Chapter 1040, where appropriate, shall also be subject to Section 660.13, recovery of costs.

#### **660.06 LITTERING; POLLUTING AND DIVERTING WATERCOURSES; DEPOSITING PUTRID SUBSTANCES**

- (a) No person shall, without lawful authority, place or dispose of, in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.
- (b) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances to collect or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstruct, impede, divert, corrupt or render unwholesome or impure, any natural watercourse.
- (c) No person shall deposit any putrid substance upon or into a lake, creek, pond, road, street, alley, lot, field or public ground. No person, being the owner or occupant of such place, shall knowingly permit such thing to remain therein to the annoyance of any citizen or shall neglect to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof.
- (d) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

#### **660.07 PLACEMENT OF GARBAGE FOR COLLECTION**

- (a) No person shall cause or allow trash, garbage, waste, rubbish, refuse or other materials or substances to be placed on the curbside earlier than thirty-six hours before the designated day of collection.
- (b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

#### **660.08 TOPSOIL OR SUBSOIL EXCAVATION OR REMOVAL**

- (a) No person shall excavate or remove, or cause or permit the excavation or removal of, any soil, sand, gravel or other deposits under the topsoil layer from any land located within the City.
- (b) The following types of excavation or removal of soil, sand, gravel or other deposits are not prohibited, insofar as they do not create a public nuisance:
  - (1) Excavation or removal necessary for the erection, construction or alteration of buildings at the location where such excavation or removal is made.
  - (2) Excavation or removal necessary for installation of sidewalks or driveways at the location where such excavation or removal is made.
  - (3) Excavation or removal necessary for agricultural or horticultural purposes or uses which are carried out by the owner of the land upon which such excavation or removal is made.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

#### **660.09 UNAUTHORIZED USE OF SOUTH CENTRAL PARK LAKE**



- (a) No person shall fish, swim, bathe, wade, boat or otherwise use the lake located at South Central Park, except as specifically authorized by City rules or regulations, which rules or regulations shall be posted on signs at conspicuous places around the lake.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

#### **660.10 DUMPING INTO STORM SEWERS AND DITCHES**

- (a) No person shall discharge of any of the following substances into the storm sewers and ditches within the City:
  - (1) Any garbage, solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage, processing and sale of food products and produce;
  - (2) Flammable or explosive liquids, solids or gases;
  - (3) Solid or viscous substances in quantities capable of causing obstruction to the flow of the storm sewers and ditches. Such substances include, but are not limited to, grass clippings, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, hair, animal wastes, parts or bodies of animals, lime slurry, lime residue, paint residues, fiber, glass or bulk solids.
  - (4) Any noxious or malodorous substances which can form a gas, which, singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to health, life or property;
  - (5) Any water or waste which contains wax, acids, grease, oil or plastic;
  - (6) Any hazardous materials or toxic substances as defined by EPA standards.
- (b) The following are types of authorized discharges provided that Ohio EPA has not determined and notified the City in writing that these sources are substantial contributors of pollutants to the City's municipal separate storm sewer system: waterline flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, springs, water from crawl space pumps, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

#### **660.11 SUMP PUMPS PROHIBITED FROM DISCHARGING OR DIRECTING WATER INTO A DESIGNATED RIGHT-OF-WAY**

- (a) It is hereby prohibited to have a sump pump which directs or allows water to be discharged into a designated right-of-way which creates a nuisance or hazardous condition.
- (b) When the City finds an individual in violation of this section, written notice shall state where and in what respect the violation exists and shall specify a reasonable period of time in which to conform.
- (c) Whoever fails to conform within the period of time provided is guilty of a misdemeanor of the first degree. A separate offense shall be committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

#### **660.12 DEPOSITING OF WASTE BY-PRODUCTS; DUMPING STANDARDS**

- (a) Before a permit to deposit is issued by the City Engineer to any site operator for the deposit of any material which is a waste by-product of any industry, utility or commerce, the following standards, guidelines and regulations must be met:
  - (1) Written approval by the EPA of site plans, materials to be deposited, the method of hauling, the method of deposit, and the method of control of odors and/or gases, must be obtained.
  - (2) Written approval by the EPA of control measures to be used to control fugitive dust (Reasonable

- Available Control Measures (RACM)) must be obtained.
- (3) A certificate of insurance for the deposit hauler, from an insurance company licensed by the State Department of Insurance, which provides for a minimum of \$2,000,000 of auto liability coverage for the period of deposit must be obtained.
  - (4) A certificate of insurance from an insurance company licensed by the State Department of Insurance, which names the City as an additional insured for any bodily injury and/or property damage which may occur as a result of the deposit or the deposit operation, must be obtained. The amount of such policy shall be a minimum of \$2,000,000 and it shall be maintained throughout the period of the deposit operation.
  - (5) Payment of \$50,000 to the City, which represents the permit fee to be paid each year of deposit on the anniversary of the issuance of the permit, shall be made.
  - (6) A bond shall be posted in an amount determined by the City Engineer to be adequate to provide for any cost necessary to remedy any of the following: failing to compact and cover the deposit with a nine-inch soil covering daily; improper drainage; and the cleaning of City streets and roadways necessary to remove drag-out and fugitive dust from the site operation. The bond deposited with the City Engineer may be used to remedy the above violations after the site operator is notified, in writing, by the City Engineer of the violations and such operator fails to remedy the problem within 60 days.
  - (7) The City Engineer's approval of site plans, materials to be deposited, the method of hauling, the method of deposit, and the method of control of odors and/or gases, must be obtained.
  - (8) Detailed plans for monthly surface and ground water monitoring shall be approved by the City Engineer.
  - (9) Detailed procedure to be used for the weekly chemical analysis of the deposited material shall be approved by the City Engineer.
  - (10) Copies of titles to, lease agreements for, or purchase orders for, the equipment to be used to sweep and flush, to compact the deposit and to clean the vehicles used in all aspects of the deposit operation, which vehicles may find themselves on the City streets and roadways, shall be required.
- (b) Site operation hours are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and 9:00 a.m. to 5:00 p.m. on Sunday.
  - (c) The deposit of toxic, hazardous and/or active materials is hereby expressly prohibited.
  - (d) The site operator shall maintain a log book in which the date, the manner of operation, and the rates of application of water chemical additives to treat lots or roadways, are recorded. The log shall also record the date and the method and results of weekly chemical analysis of the deposited material, as well as the date and the method and results of monthly ground and surface water analysis.
  - (e) Monitoring wells, the depth, number and necessity of which shall be determined by the City Engineer, may be required.
  - (f) The City Engineer shall make monthly inspections of all dumping operations to ensure compliance with EPA standards and the provisions of this section. The City Engineer shall notify the site operator in writing of any violations, and the site operator will be given sixty days to remedy the violations cited. The failure to remedy the violations shall cause the permit to be revoked. No deposit site operator shall continue to operate or operate without benefit of a permit.
  - (g) For purposes of this section, the term "deposit" shall not mean the using, spreading or laying of slag, petroleum by-products or other materials, except fly-ash, commonly used in road construction or maintenance or materials commonly used for snow and ice control, or the storage or use of any materials by the City.
  - (h) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

### **660.13 STORAGE OF TOXIC SUBSTANCES OR HAZARDOUS MATERIALS; DISCLOSURE**

- (a) All operators of commercial and/or industrial storage facilities, including operators of self- storage units, are required to disclose to the Fire Department the presence of toxic substances or hazardous materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental

- Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases.
- (b) All leases governing the rental of storage units or facilities shall either:
- (1) Prohibit the storage of any hazardous or toxic substances or materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases; or
  - (2) Require disclosure of the storage of any hazardous or toxic substances or materials, as those terms are defined by the Ohio Environmental Protection Agency or the United States Environmental Protection Agency, water reactive chemicals or flammable or explosive solids, liquids or gases, to the operator of the storage unit or facility and the Fire Department.
- (c) Any owner or operator or person using the storage facility or unit who violates this section is guilty of a misdemeanor of the fourth degree and subject to the penalty provided in Section 698.02.

#### **660.14 RECOVERY OF COSTS FOR CLEAN UP OF ENVIRONMENTAL SPILLS**

It shall henceforth be the practice and policy of the Mayor or his or her designee, for purposes of protecting and preserving the health, safety and environment of the City, to charge any person responsible for causing or allowing an unauthorized spill, release or discharge of materials into or upon the environment for the necessary and reasonable, additional or extraordinary costs the City incurs in investigating, mitigating, minimizing, removing or abating the spill, release or discharge in the course of an emergency action, provided that the criteria and methods prescribed under 40 C.F.R. Part 300, as amended, are utilized and adhered to.

---

**EXHIBIT E****CHAPTER 1476 UNSAFE BUILDINGS**

1476.01 UNSAFE BUILDING DEFINED; DECLARATION OF PUBLIC NUISANCE; ABATEMENT

1476.02 INSPECTION; NOTICE TO CORRECT, DEMOLISH AND/OR VACATE

1476.03 NOTICE TO VACATE; SERVICE AND POSTING

1476.04 NOTICE TO REPAIR OR DEMOLISH; SERVICE AND POSTING

1476.05 NOTICE OF COMPLIANCE; POSTING

1476.06 RIGHT OF ENTRY OF CHIEF BUILDING OFFICIAL

1476.07 NONCOMPLIANCE; REMEDY OF CITY

1476.08 BURNING OF STRUCTURES; PERMIT REQUIRED; FEE; ACTION BY CITY; COLLECTION OF COSTS

1476.99 PENALTY

**CROSS REFERENCES**

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Nuisances - see Ohio R.C. Ch. 3767

Permitted continued use of buildings restored to a safe condition - see P. & Z. 1292.02(a)

Fees for demolition of buildings - see B. & H. 1444.11

Buildings in flood hazard areas - see B. & H. 1464.03, 1464.04

Use and Occupancy Housing Code - see B. & H. Ch. 1480

**1476.01 UNSAFE BUILDING DEFINED; DECLARATION OF PUBLIC NUISANCE; ABATEMENT**

As used in this chapter, "unsafe building" means any building or structure which is unsafe because such building or structure is:

Structurally unsafe or unsound;

- (a) Not provided with adequate means of ingress or egress;
- (b) A fire hazard;
- (c) Dangerous to human life;
- (d) A hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

All such unsafe buildings are hereby declared to be a public nuisance and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of this chapter.

(Ord. 327-66. Passed 5-16-66.)

**1476.02 INSPECTION; NOTICE TO CORRECT, DEMOLISH AND/OR VACATE**

- (a) The Chief Building Official shall examine, or cause to be examined, any building or structure, or portion thereof, reported or found to be unsafe as defined in Section 1476.01. Upon finding that such building or structure is unsafe, the Chief Building Official shall cause to be served upon the owner or his or her agent a written notice stating his or her findings and the reasons for the same.

**EXHIBIT E**

- (b) This notice shall require the owner, within sixty days after the service of the same, either to repair or improve the property so as to correct the conditions specified by the Chief Building Official or, within such time period, to demolish and remove the building or structure or portion thereof. The Chief Building Official shall have the discretion to extend such time, if, in his or her opinion, action is being taken to correct the conditions. The Chief Building Official shall, after the approval of the Safety-Service Director or the Mayor, order a change in the time period to a shorter period if a compelling emergency exists.
- (c) The notice may also require the building or structure to be vacated forthwith and not reoccupied until the conditions are corrected and until the building has been inspected and approved by the Chief Building Official. In such event, the Chief Building Official shall cause a written or printed notice to be placed on the unsafe building as a warning to the public.

(Ord. 327-66. Passed 5-16-66.)

**1476.03 NOTICE TO VACATE; SERVICE AND POSTING**

Every order to vacate a premises shall be in writing, shall be served upon the owner, agent or tenant, shall state the reason for the order to vacate and shall direct that the building, structure or portion thereof be vacated by a specified time. The Chief Building Official shall cause a notice to vacate to be posted in a conspicuous place on the building. After such posting, no person shall occupy or permit the occupancy of the premises or any portion thereof until the provisions of this chapter and the orders of the Chief Building Official are fully satisfied.

(Ord. 327-66. Passed 5-16-66.)

**1476.04 NOTICE TO REPAIR OR DEMOLISH; SERVICE AND POSTING**

The notice requiring repair or demolition shall be in writing, shall state the finding of the Chief Building Official and the reasons therefor, and shall be served upon the owner, occupant and other persons having interest in such building or structure. The notice may be served personally upon such persons or may be served by registered or certified mail, the receipt therefor being prima-facie evidence of service of the notice. In the event that a person having interest in such premises cannot be located or cannot be served within a reasonable period of time after the finding of the Chief Building Official, the Chief Building Official shall cause to be posted upon such premises the notice heretofore required for a period of not less than five days. Posting of such notice shall serve as notice to all such persons having an interest in such property.

(Ord. 327-66. Passed 5-16-66.)

**1476.05 NOTICE OF COMPLIANCE; POSTING**

Upon inspection by the Chief Building Official, and upon elimination of the reasons for vacation, repair or demolition, the Chief Building Official shall cause a notice of compliance to be posted on the premises and shall remove all other posted notices from the premises.

(Ord. 327-66. Passed 5-16-66.)

**1476.06 RIGHT OF ENTRY OF CHIEF BUILDING OFFICIAL**

Upon information that a building, structure or portion thereof is unsafe, the Chief Building Official shall have the authority to enter upon such premises at any reasonable time upon first notifying the occupants thereof, if any, either orally or in writing. If the owner or occupant refuses or fails to permit the Chief Building Official's entrance upon such premises, the Chief Building Official shall have the authority to enter upon such property at any reasonable time.



**EXHIBIT E**

(Ord. 327-66. Passed 5-16-66.)

**1476.07 NONCOMPLIANCE; REMEDY OF CITY**

Upon refusal or neglect of the owner or occupant of any premises to comply with the order of the Chief Building Official within the prescribed time, the Department of Buildings, or a person or firm designated by the Department of Buildings, or the City, may elect to enter upon the property, furnish the labor and materials necessary to make the premises safe or demolish the unsafe building or structure. Upon such action by the City, as aforesaid, the cost and expense of such work shall be certified to the County Auditor by the Safety-Service Director by administrative order. The amount so certified from the date of the entry thereof shall be a lien upon the property, building or structure and shall be collected as other taxes and assessments. Such remedy shall be in addition to the penalty provided in Section 1476.99.

(Ord. 327-66. Passed 5-16-66.)

**1476.08 BURNING OF STRUCTURES; PERMIT REQUIRED; FEE; ACTION BY CITY; COLLECTION OF COSTS**

- (a) In the event that the City or a property owner deems it necessary to cause the removal of a building or structure by burning, the City or the property owner shall first apply for and obtain a permit from the City Fire Department. Such burning shall be conducted in the presence of a member of the Fire Department.
- (b) If the burning is requested by the property owner, a permit fee of fifty dollars (\$50.00) shall be charged by the Fire Department.
- (c) In the event the City is required to conduct the burning, the cost shall be certified to the County Auditor by the Safety-Service Director by administrative order and entered as a lien upon the property, to be collected as other taxes and assessments. Such remedy shall be in addition to the penalty provided in Section 1476.99.

(Ord. 493-68. Passed 10-7-68.)

**1476.99 PENALTY**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**EXHIBIT F**

**CHAPTER 650 PUBLIC NUISANCES**

**650.01 PUBLIC NUISANCE DEFINED**

**650.015 PUBLIC VIEW DEFINED**

**650.02 PUBLIC NUISANCES PROHIBITED; NOTICE TO ABATE; COMPLIANCE**

**650.03 ENFORCEMENT; DUTIES OF LAW DIRECTOR**

**650.04 NONCOMPLIANCE; REMEDY OF CITY**

**CROSS REFERENCES**

Littering - see TRAF. 432.40; GEN. OFF. 660.14, 660.15

Animal nuisances - see GEN. OFF. 618.07, 618.13

Accumulations of water and putrid substances; obstruction of culverts, drains and watercourses - see GEN. OFF. 660.11; S.U. & P.S. 1028.04

Polluting and diverting watercourses; depositing putrid substances - see GEN. OFF. 660.14; S.U. & P.S. 1028.04

Dumping into storm sewers and ditches - see GEN. OFF.

660.18 Infested or infected trees - see S.U. & P.S. 1030.08

Unsafe buildings - see B. & H. Ch. 1476

**650.01 PUBLIC NUISANCE DEFINED**

The following shall be deemed to constitute a public nuisance within the City:

- (a) The erection, continuance, use or maintenance of a building, structure or place for the exercise of a trade, employment or business, either upon public or private property, or for the keeping or feeding of any animal, which building, structure or place, or which activity, by causing noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public; (Ord. 956-74. Passed 5-20-74.)
- (b) The storage of a motor vehicle in an inoperative or unlicensed condition, or in residential districts the storage of commercial equipment or machinery not in use for an approved project upon public or private property for more than seventy-two hours without being obscured from public view. (Ord. 4582-2008. Passed 9-2-08.)
- (c) The storage of garbage and/or offal, which means and includes all refuse and waste of animals, fish, fowl, fruit and vegetable matter or other accumulations resulting from the use and preparation of food for the table, or which has been discarded and abandoned and is of no future use or value to the owner for domestic consumption, contrary to the rules and regulations of these Codified Ordinances and the County Department of Health; (Ord. 956-74. Passed 5-20-74.)
- (d) The suffering, permitting, allowing to remain or maintaining of rubbish, refuse or junk, which includes, but is not limited to, wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes, ashes, discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi-airtight containers, or any other waste material, upon public or private property contrary to any provisions of these Codified Ordinances or regulations of the County Department of

**EXHIBIT F**

Health or to the extent it offends or is perceived as excessive by a person of ordinary sensibilities; (Ord. 5074-2013. Passed 10-7-13.)

- (e) The maintenance or allowance of building materials upon public or private property if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty days after such materials are placed upon a premises. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, building materials stored or deposited upon any property shall be placed at least six inches off the ground at any time.

(Ord. 956-74. Passed 5-20-74.)

**650.015 PUBLIC VIEW DEFINED**

As used in this chapter, "public view" means anything not entirely concealed in a garage or suitable structure, not including fences or tarps, that can be viewed by the general public.

(Ord. 3416-99. Passed 3-1-99.)

**650.02 PUBLIC NUISANCES PROHIBITED; NOTICE TO ABATE; COMPLIANCE**

- (a) No person shall suffer, permit or allow to exist within the City any act, thing or condition of a kind which has been or may hereafter be defined by this chapter as a public nuisance. (Ord. 956-74. Passed 5-20-74.)
- (b) Whenever a public nuisance exists, the Safety-Service Director shall direct the appropriate city department or division to cause the owner, tenant or person in charge of the property upon which such public nuisance exists to be served with a notice to abate the public nuisance on or before fifteen (15) days after receipt of such notice. Service of notice, as described herein, shall consist of mailing the same to the owner, tenant or person in charge of the property by registered or certified mail, return receipt requested, or personal service, and/or posting the notice in a conspicuous place upon such property for a period of five days.
- (c) No person shall fail to comply with any notice or citation of violation as required herein. Notwithstanding subsection (b) hereof, where a subsequent violation of the same or substantially similar nature occurs on the same property with the same ownership within two years of the prior similar violation, the owner, tenant or person in charge of the property may be cited to the appropriate court for the violation without receipt of additional prior notice provided that the original written notice of violation for the offense detailed the right of appeal process and indicated that a property lien could result if the violation was not corrected or otherwise made to comply. (Ord. 4471-2007. Passed 10-15-07.)
- (d) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

**650.03 ENFORCEMENT; DUTIES OF LAW DIRECTOR**

Whenever any public nuisance exists, the Law Director, upon his or her own action or at the request of Council, may institute proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement or abatement of the public nuisance. This section shall not relieve any person from criminal prosecution or punishment under these Codified Ordinances or any other criminal law enforced in the City.

**EXHIBIT F**

(Ord. 956-74. Passed 5-20-74.)

**650.04 NONCOMPLIANCE; REMEDY OF CITY**

If the owner or person having charge of any premises within the City, upon which a public nuisance exists, fails to comply with any notice provided for in Section 650.02 or fails to prohibit the existence of such public nuisance, the City has the authority to take whatever action is necessary to abate the public nuisance, including, but not limited to, entering upon any public or private property and expending or furnishing labor and materials necessary to abate the public nuisance. All such expenses and costs shall be paid out of City funds appropriated therefor, and the City shall thereafter report such expenses to the County Auditor. Such amounts shall thereupon be entered upon the tax duplicate, shall be a lien upon such lands from and after the date of the entry thereon, and shall be collected as other taxes and returned to the City when so collected.

(Ord. 956-74. Passed 5-20-74.)