

CHAPTER 1474
Paint Removal and Exterior Surface Cleaning

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CROSS REFERENCES

Oils and paints - see Ohio R.C. Ch. 3741

Lead-based paint - see Ohio R.C. 3742.01

Public nuisances - see B. & H. Ch. 1476

Exterior Property Maintenance Code - see B. & H. Ch. 1490

Painting of exterior surfaces - see B. & H. 1490.10

1474.01 INTENT.

Council intends this chapter to be a regulation of the processes of paint removal and exterior surface cleaning of residential and non-residential structures within the Village. Council intends to regulate the nuisance factors of various paint removal and exterior surface cleaning processes as these factors affect the health, safety, and welfare of the residents of the Village. These nuisance factors include noise, dust, debris, inconvenience to neighbors, and activities of contractors. (1974 Code §115.01)

1474.02 GENERAL REQUIREMENTS.

Council hereby regulates certain processes of exterior paint removal and exterior abrasive cleaning as follows:

- (a) All abrasive paint stripping and abrasive surface cleaning requires a permit, shrouding, tarping out to twenty feet or to the base of the shrouding, and advance notice to neighbors on all sides; and
- (b) Any paint removal by any method where paint is being removed from more than twenty-five percent of any exterior wall surface of a structure requires a permit, tarping out to twenty feet and advance notice to neighbors on all sides.
(1974 Code §115.01)

1474.03 PERMIT REQUIRED; EXCEPTION; TARPING AND CLEAN-UP OF DEBRIS REQUIRED.

(a) No person shall abrasively clean, remove, or strip paint from the exterior surface of any structure by:

- (1) Abrasive cleaning or stripping; or
- (2) Any other process, including heat guns, scraping or power sanding, where paint is being removed from more than twenty-five percent of any exterior wall surface of a structure

without first obtaining a permit from the Building Inspector. A separate permit is required for each separate job or location.

(b) A contractor acting under a contract with the Village does not need to obtain a permit, but shall comply with all requirements of a permit holder.
(1974 Code §115.02)

(c) Any paint remover described in Section 1474.02 shall tarp and thoroughly clean up any debris, as specified in Section 1474.06.

1474.04 PERMIT APPLICATION; BOND OR DEPOSIT REQUIRED; INSPECTION AND CLEAN-UP; PERMIT REVOCATION.

(a) Application. The Building Inspector shall prepare and furnish application forms for a permit. Each application shall include, but not be limited to, the following:

- (1) The location of the job;
- (2) The structure or portion thereof upon which the process is to be performed;
- (3) A description of the removal or cleaning process to be used;
- (4) The length of time the process is estimated to take;
- (5) The date when such work is to commence;
- (6) The date by which the applicant will issue the notice required by Section 1474.05;

- (7) The date of issuance of the certificate of contractor registration, if required by Chapter 1448;
- (8) A bond or deposit as described in subsection (b) hereof;
- (9) A nonrefundable permit fee of twenty-five dollars (\$25.00); and
- (10) Any other relevant information.

(b) **Bond or Deposit.** Each applicant shall submit a cash bond or deposit to ensure compliance with this chapter as follows:

- (1) The applicant shall deposit no less than two hundred dollars (\$200.00) with each application in the form of cash or a certified check.
- (2) In lieu of the cash deposit per permit, the applicant may post a deposit, in cash, or a certified check, made payable to the Village, in the minimum amount of three thousand dollars (\$3,000), as security for compliance.

(c) **Inspection and Clean-Up.** The Building Inspector or his or her designee may inspect work periodically. Upon completion of the work, the paint remover shall notify the Building Inspector, who shall inspect the work for compliance with this chapter and other relevant Code provisions. If the work and clean-up are not satisfactory, the Building Inspector or his or her designee may withhold the bond posted for that permit, order the paint remover to complete the work and clean-up or direct the Village to properly complete the work and clean up the site and nearby areas. The Building Inspector shall provide an itemized invoice to the paint remover and shall deduct the amount of the invoice from the deposit. If the deposit is less than the invoice, the property owner and the contractor shall be jointly and severally liable for the balance.

(d) **Permit Revocation.** The Building Inspector may revoke a permit for failure to comply with any provision of this chapter or any violation of other relevant Code provisions pursuant to the terms of Section 1474.06(a)(5). In addition, the Law Director may seek other appropriate remedies, including damages, on behalf of the Village.
(1974 Code §115.03)

1474.05 NOTICE TO NEARBY OWNERS OR OCCUPANTS REQUIRED.

(a) This section applies to each person doing work described in Section 1474.02, identified below as the paint remover.

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

of land affected. The paint remover shall certify to the Building Inspector the date of delivery and the addresses. The written notice shall be in the form required by subsection (c) hereof.

- (c) The written notice shall include, but not be limited to, the following information:
- (1) The address upon which the paint remover is performing the work;
 - (2) The name(s) of the owner(s) of the address upon which the paint remover is performing the work;
 - (3) The estimated beginning and ending date of the work;
 - (4) The method of paint removal;
 - (5) The hours of operation;
 - (6) Specific circumstances of the job which may affect the normal flow of traffic near the job site or be in conflict with the Traffic Code of the Village;
 - (7) The name, address, telephone number, and contact person of the paint remover; and
 - (8) For abrasive stripping and cleaning and power sanding of more than twenty-five percent of any exterior wall, the following statement: "This process may result in debris falling on your property. The operation of the equipment may result in loud noise. The hours of operation of the equipment are limited to 8:30 a.m. to 4:00 p.m. on weekdays, excluding holidays. We recommend that you keep small children and pets away from the work area and any other area where debris may be falling. We recommend that you close your windows and doorways in an area where debris may be falling. If you have any complaint concerning noise level or damage to your property, please contact the person listed above. For abrasive stripping and cleaning, the Village is requiring complete enclosure of the area being worked on. If you see any leakage, or seek additional information on this subject, please contact the Building Department of the Village of Brooklyn Heights."

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

(1974 Code §115.04)

1474.06 CONDITIONS FOR PAINT REMOVAL AND ABRASIVE STRIPPING AND CLEANING.

(a) All Paint Removal. Each person described in Section 1474.02, identified below as the paint remover, shall satisfy the following conditions:

- (1) All mechanical equipment shall comply with State, Federal, and manufacturer's standards of maintenance and operation for the procedure being used.
- (2) The paint remover shall use tarping to cover the ground and landscaping surrounding the structure to protect the ground and landscaping from any residue or debris. The term "tarping" means an impermeable material which is securely affixed to the perimeter of the structure and which extends out from the foundation of the structure to a perimeter of twenty feet or to the base of the shrouding material, where applicable.
- (3) At the end of every workday, and upon completion of the work, the paint remover shall thoroughly clean all residue and debris from the subject premises, all adjacent property, and the public right-of-way. The failure to satisfactorily complete this clean-up shall be deemed a public nuisance, and the paint remover shall be subject to all remedies provided by this chapter and elsewhere in these Codified Ordinances for the remedy of a public nuisance.
- (4) Operation of equipment and any obstruction of the public right-of-way must be approved in advance by the Service Director.
- (5) In the event of the failure of the paint remover to comply with any provision of this chapter, the Building Inspector shall provide notice of nonconformance and may revoke any permit issued under this chapter and/or issue a stop work order for the immediate termination of all work performed by the paint remover.
- (6) Hours of operation of equipment shall be limited to 8:30 a.m. to 4:00 p.m. weekdays, excluding holidays.
- (7) The paint remover shall not conduct work during weather conditions involving wind speeds in excess of fifteen miles per hour, nor at other times determined by the Director of Human Services to be unsafe.
- (8) All vents, windows, and other areas through which air might enter the subject premises shall be covered to prevent infiltration by airborne or waterborne particles.

(b) Abrasive Stripping and Cleaning. A paint remover who uses a procedure of abrasive paint stripping or abrasive cleaning (but not power sanding) shall shroud the entire work area with a securely attached tarpaulin or other screening so as to prevent dust, airborne particles, and other debris from causing a nuisance upon pedestrians, vehicles, nearby property, and the public right of way. Such shrouding shall be securely attached to the structure at intervals of no more than three feet so as to completely encapsulate the work area and prevent leakage of at least ninety percent of the dust and debris.

(1974 Code §115.05)

1474.07 NUISANCE CONDITIONS PROHIBITED; ABATEMENT REQUIRED.

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

- (1) Failure to obtain a permit as required by Section 1474.03;
- (2) Dust, debris, or inconvenience to neighbors, as caused by the removal of paint from more than twenty-five percent of any exterior wall surface of residential or non-residential structures within the Village;
- (3) Any work performed in violation of any section of this chapter; or
- (4) Any failure to comply with any order of the Building Inspector or his or her designee.

(b) Any such nuisance found by the Building Inspector or his or her designee may be abated by him or her and the cost of the abatement assessed in the manner provided by Chapter 1476.

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

(1974 Code §115.06)

1474.08 APPEALS TO COUNCIL.

Any person affected by a decision or order of the Building Inspector may appeal to the Village Council within thirty days of said order.

(1974 Code §115.07)

1474.09 INTERPRETATION OF CHAPTER.

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

(b) The Building Inspector may designate other employees of the Building Department to perform any of the duties described in this chapter.
(1974 Code §115.08)

1474.99 PENALTY.

Whoever violates or fails to comply with 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 or noncompliance occurs or continues.

(1974 Code §115.99)

