

TITLE EIGHT - Housing

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CHAPTER 1490 **Exterior Property Maintenance Code**

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CROSS REFERENCES

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

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

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104

Filthy accumulations - see GEN. OFF. 660.04

Fences - see GEN. OFF. 660.12; B. & H. 1444.14(o), Ch. 1480, 1484.04

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

1490.01 TITLE.

This chapter shall be known as the "Exterior Property Maintenance Code" and may be referred to in this chapter at "this Code".

(Ord. 6-96. Passed 1-6-96.)

1490.02 FINDINGS OF FACT; DECLARATION OF POLICY.

It is hereby found and declared that there exist in the Village structures used for residential and nonresidential uses which are, or may become in the future, substandard with respect to the structure and maintenance thereof, or, further, that conditions, including, but not limited to, structural deterioration, lack of maintenance, the appearance of the exterior of the premises, the existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the Village. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the immediate neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and immediate neighborhoods enhanced and the public health, safety and welfare protected and fostered.

(Ord. 6-96. Passed 1-6-96.)

1490.03 PURPOSE.

The purposes of this Code are to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of all residential and nonresidential premises; to impose certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for violations of this Code; and to provide for the right of access across adjoining premises to permit repairs. This Code is hereby declared to be remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes as stated herein.

(Ord. 6-96. Passed 1-6-96.)

1490.04 DEFINITIONS.

Unless a different meaning is indicated clearly by the context, as used in this Code:

- (a) "Accessory structure" means a structure the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (b) "Building" means a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.
- (c) "Building Code" means the Building Code of the Village.
- (d) "Deterioration" means the condition or appearance of a building, or any part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
- (e) "Dwelling" means any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (f) "Dwelling unit" means any room or group of rooms located within a dwelling forming a single habitable unit, which includes facilities for living, sleeping, cooking, eating, bathing and toilet purposes.
- (g) "Exposed to public view" means any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public from a sidewalk, street, alleyway, open air parking lot or any adjoining or neighboring premises.
- (h) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (i) "Fire Chief" means the Chief of the Fire Department.

- (j) "Fire hazard" means any thing or act which increases, or may cause an increase in, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fires, or which may obstruct, delay or hinder, or may become the cause of an obstruction, delay or hindrance to, the prevention, suppression or extinguishment of fires, or any other fire hazard identified in these Codified Ordinances. (See also "Nuisance.")
- (k) "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also "Refuse" and "Rubbish.")
- (l) "Immediate neighborhood" means an area separated by no appreciable space and specially denoting a limited number of properties in a very close space relationship to each other, such as properties located within the same block.
- (m) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.
- (n) "Mixed occupancy" means any building containing one or more dwelling units or room units and also having a portion thereof devoted to nondwelling uses.
- (o) "Nuisance" means:
 - (1) Any public nuisance known in equity jurisprudence, or as provided by the statutes of the State or ordinances of the Village;
 - (2) Conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the condition is made perilous by active and negligent operation thereof;
 - (3) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Code; and
 - (4) Fire hazards.
- (p) "Operator" means any person who has the charge, care or control of a building, structure, dwelling or premises, or a part thereof, with or without the knowledge and consent of the owner.
- (q) "Owner" means the owner of premises, including the holder of title thereto, subject to a contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any other person or fiduciary directly in control of the premises.
- (r) "Premises" means a lot, plot or parcel of land, including the buildings or structures thereon.
- (s) "Property Maintenance Officer" means the Building Inspector.

- (t) "Refuse" means all putrescent and nonputrescible solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes. (See also "Garbage" and "Rubbish.")
- (u) "Registered mail" means registered or certified mail.
- (v) "Rooming unit" means any room or group of rooms forming a single habitable unit, other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.
- (w) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery and similar materials. (See also "Garbage" and "Refuse.")
- (x) "Structure" means a combination of any materials, fixed or portable, forming a construction.
- (y) "Weathering" means deterioration, decay or damage caused by exposure to the elements. (Ord. 6-96. Passed 1-6-96.)

1490.05 APPLICATION OF CHAPTER; CONFLICTS OF LAWS; PERMITS AND LICENSES; COMPLIANCE WITH OTHER ORDINANCES.

(a) Application of Chapter. Every residential or nonresidential building and the premises on which it is situated in the Village, used or intended to be used for dwelling, retail, commercial, business, light manufacturing or industrial occupancy, shall comply with the provision of this Code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this Code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this Code. This Code establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, except as provided in subsection (b) hereof. Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this Code.

(b) Conflicts of Laws. In any case where the provisions of this Code impose a higher standard than that set forth in any other ordinance of the Village or under the laws of the State, then the standards as set forth herein shall prevail, but if the provisions of this Code impose a lower standard than that of any other ordinance of the Village or under the laws of the State, then the higher standard contained in any such other ordinance or law shall prevail.

(c) Permits and Licenses. After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this Code, as well as compliance with the ordinances under which such licenses and permits are granted.

(d) Compliance With Other Ordinances. No license or permit or other certification of compliance with this Code shall constitute a defense against any violation of any other ordinance of the Village applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the Village from enforcing any such other provision.
(Ord. 6-96. Passed 1-6-96.)

1490.06 DUTIES AND RESPONSIBILITIES OF OWNERS AND OPERATORS.

(a) Owners and operators shall have all the duties and responsibilities as prescribed in this Code and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility, nor be entitled to defend against any charge of a violation thereof, by reason of the fact that the occupant is also responsible therefor and in violation thereof.

(b) Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by an agreement or contract by and between them or between them and other parties. (Ord. 6-96. Passed 1-6-96.)

1490.07 NUISANCES, HAZARDS AND UNSANITARY CONDITIONS.

The exterior of premises and all structures thereon shall be kept free from all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free from unsanitary conditions. Any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free from hazards, including, but not limited to, the following:

- (a) Refuse. An accumulation of brush, broken glass, stumps and roots that presents a safety hazard, or garbage, trash and debris that present an unsanitary condition or a safety hazard.
- (b) Natural Growth. Dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitutes a hazard to persons in the vicinity thereof.
- (c) Overhangings. Loose and overhanging objects which, by reason of their location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- (d) Foundation Walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- (e) Chimneys and Flue and Vent Attachments. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the function for which they were designed and shall be capable of withstanding the action of flue gases.
(Ord. 6-96. Passed 1-6-96.)

1490.08 APPEARANCE OF RESIDENTIAL PREMISES AND STRUCTURES.

The exterior of residential premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the immediate neighborhood in order that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values, including the following:

- (a) Storage of Commercial and Industrial Material. No person shall store or use at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial uses, unless permitted under the Zoning Code for such premises.
- (b) Landscaping. Premises shall be maintained so that lawns, hedges and bushes shall not become overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the immediate neighborhood.
- (c) Signs. All signs permitted by other regulations or as a lawful nonconforming use shall be maintained in good repair. Printed matter, pictures or illustrations contained thereon shall be completely maintained or, when no longer in use, completely removed.
- (d) General Maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair and all surfaces thereof shall be painted where necessary for purposes of preservation and appearance, surface coated with a protective coating or treated to prevent rot and decay. The same shall be maintained free from broken windows, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, so that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the immediate neighborhood protected from blighting influences.
(Ord. 6-96. Passed 1-6-96.)

1490.09 APPEARANCE OF NONRESIDENTIAL PREMISES AND STRUCTURES.

The exterior of nonresidential premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the immediate neighborhood in order that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the immediate neighborhood with the accompanying diminution of property values, including the following:

- (a) Landscaping. Premises shall be maintained so that lawns, hedges and bushes shall not become overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.
- (b) Signs and Billboards. All permanent signs and billboards exposed to public view permitted by other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have become weathered or faded or those upon which the paint has peeled or cracked, shall, with their supporting members, be removed forthwith or put into a good state of repair. All noncooperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
- (c) Windows. All windows exposed to public view shall be kept free from foreign substances, except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view, unless such areas are first screened from the public view by drapes, venetian blinds or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.
- (d) Store Fronts. All store fronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front and in such a manner as to permanently repair the damaged area. Any cornice visible above a store front shall be kept painted where required and in good repair.
- (e) Sign or Advertising Removal. Except for "For Rent" signs, any temporary sign or other paper advertising material which is glued or otherwise attached to a window or otherwise exposed to public view shall be removed at the earlier of the following:
 - (1) At the expiration of the event or sale for which it is erected; or
 - (2) Within sixty days after erection.
- (f) Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of a premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or similar materials, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

- (g) Sign Removal. In the event that any premises within the Village are vacated by a lessee, the owner of such premises shall, within thirty days from the date that such lessee vacates, remove any sign and/or billboard exposed to the public view that was used by such lessee to advertise his or her business, trade and/or profession. (Ord. 6-96. Passed 1-6-96.)

1490.10 STRUCTURAL SOUNDNESS AND GENERAL MAINTENANCE.

(a) Residential. Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:

- (1) Painting and other protective coating. All exposed surfaces susceptible to decay shall be kept, at all times, painted or otherwise provided with a protective coating sufficient to prevent deterioration and rot.
- (2) Exterior walls, siding and roofs. Exterior walls, siding and roofs shall be kept structurally sound, in good repair and free from unsafe defects. Damaged materials must be repaired or replaced; places showing signs of substantial rot, deterioration or excessive corrosion are to be restored and protected.

(b) Nonresidential. The exterior of every nonresidential structure or accessory structure, including fences, signs and store fronts, shall be maintained in good repair and all surfaces thereof shall be painted, where necessary for purposes of preservation and appearance, surface coated with a protective coating or treated to prevent rot and decay. All surfaces shall be maintained free from broken windows, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, so that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the immediate neighborhood protected from blighting influences.

(Ord. 6-96. Passed 1-6-96.)

1490.11 RECONSTRUCTION OF WALLS AND SIDING.

All reconstruction of walls and siding shall be of standard quality and appearance, commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, so that the materials used will not be of a kind that, by their appearance, under prevailing appraisal practices and standards, will depreciate the value of neighboring and adjoining premises as aforesaid.

(Ord. 6-96. Passed 1-6-96.)

1490.12 FREEDOM FROM INFESTATION.

All parts of premises shall be maintained in order to prevent infestation.

(Ord. 6-96. Passed 1-6-96.)

1490.13 BUILDING INSPECTOR AS PROPERTY MAINTENANCE OFFICER.

The Building Inspector is hereby designated to serve as the Property Maintenance Officer. All inspections, regulations, enforcement and hearings on violations of the provisions of this Code, unless expressly stated to the contrary, shall be under his or her direction and supervision. He or she may appoint or designate, subject to the approval of the Mayor, such other public officials or employees of the Village to perform such duties as may be necessary for the enforcement of this Code, including inspections.

(Ord. 6-96. Passed 1-6-96.)

1490.14 INSPECTIONS.

(a) Residential. All residential buildings and premises subject to this Code are subject to inspection by the enforcing officer of the Village. At the time of such inspection, all exterior parts of premises must be available and accessible for such inspection, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made between 8:00 a.m. and 4:00 p.m., unless one of the following conditions exists:

- (1) The premises are not available during the foregoing hours for inspection; or
- (2) There is reason to believe that a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

(b) Nonresidential. All nonresidential buildings and premises subject to this Code are subject to inspection and shall be inspected monthly by the enforcing officer. At the time of such inspection, all exterior parts of premises must be available and accessible for such inspection, and the owner and operator are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular open hours of the business occupying the premises, unless there is reason to believe that a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

(c) Reports to Council. The enforcing officer shall report to Council after each monthly inspection regarding the general maintenance of property within the Village, with a summary of code violations observed, the notices issued and the status of present abatement proceedings.

(Ord. 6-96. Passed 1-6-96.)

1490.15 CONDUCT OF INSPECTORS.

Inspectors shall conduct themselves in such a manner as to avoid intentional embarrassment of or inconvenience to occupants.

(Ord. 6-96. Passed 1-6-96.)

1490.16 REFUSED ACCESS; SEARCH WARRANTS OR ACCESS WARRANTS.

(a) Refused Access. Where the Property Maintenance Officer or his or her agent is refused access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of premises, such person shall be in violation of this Code and subject to the penalties hereunder.

(b) Search Warrants or Access Warrants. In addition to the provisions of subsection (a) hereof, the Property Maintenance Officer may, upon affidavit, apply to Parma Municipal Court for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises. If the Court is satisfied as to the matter set forth in the affidavit, the Court may authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. A warrant for access may be issued by the Court upon an affidavit of the Property Maintenance Officer establishing grounds therefor. (Ord. 6-96. Passed 1-6-96.)

1490.17 PROCEDURE FOR ABATEMENT; NOTICE; APPEAL.

(a) Contents of Notice. An abatement notice shall specify the violation committed, what must be done to correct the same, a reasonable period of time, not to exceed forty-five days, to correct or abate the violation and the right of the person served to request a hearing. The notice shall become an order of the Property Maintenance Officer in ten days after service, unless a hearing is requested pursuant to subsection (c) hereof.

(b) Service of Notice. Notice may be served personally, by prepaid telegram or by mail, with postage prepaid, addressed to the last known address of the person to be served. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the County Auditor. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Property Maintenance Officer shall file and provide notice to any owner or operator of any violation at any address other than the last known address as provided hereunder if such other address is filed with the Officer personally or by certified mail addressed to the Officer. The date of service of the notice shall be determined where service is by mail as of the day following the day of mailing for notices to addresses within the Village, and as of the fourth day after the day of mailing for notices to addresses outside the Village. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day. Notwithstanding any other provisions contained herein, where

premises are subject to registration pursuant to Section 1490.22 and have been so registered, notice served upon the agent designated therein shall constitute service upon the owner, operator and lessor of the premises, jointly and severally. Where the owner, operator or lessor has failed to register the premises as required under Section 1490.22, or if the present premises have been registered and the agent designated therein cannot be found at the address given in the registration, the owner, operator or lessor affected thereby may be served by posting notice upon the premises in a conspicuous place as near as possible to the front entrance thereof.

(c) When Notice Becomes a Final Order; Request for Hearing. Within ten days of the date of service of a notice, the notice shall constitute a final order, unless any person affected by the notice requests a hearing before the Board of Zoning Appeals and serves a written request within the ten-day period, in person or by mail, on the Chairperson of the Board. Such request for a hearing before the Board shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Chairperson of the Board, upon receipt of the request, shall, within thirty days therefrom and upon five days notice to the party aggrieved, set the matter down for hearing.

(d) Determination at Hearing. At any hearing provided hereunder, the Chairperson of the Board shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoenas, to required by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him or her and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within ten days from the completion of the hearing. The Board shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

(e) Extension of Time. The Property Maintenance Officer may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed ninety days beyond the expiration date of the original notice.

(f) Noncompliance With Notice. Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Property Maintenance Officer that becomes a final order as provided in subsection (c) hereof, the Officer may advise the Law Director of the circumstances and request the Law Director to institute an appropriate action at law to compel compliance.

(g) Referral of Violations. A violation of any ordinance other than this Code discovered by the Property Maintenance Officer or his or her representative shall be reported to the official or agency responsible for the enforcement of such ordinance. -

(h) Where Notice and Hearing Not Required Prior to Court Proceedings. Notwithstanding the requirements of subsections (a) through (d) hereof, violations of the following sections may be prosecuted without notice by the filing of a complaint by the Property Maintenance Officer in the Parma Municipal Court: Sections 1490.16, 1490.17(d) and 1490.22.

(i) Effect of Notice on Owner. For the purposes of enforcement of this Code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until such violations are abated in conformity with this Code and other applicable ordinances of the Village. (Ord. 6-96. Passed 1-6-96.)

1490.18 EXISTING OFFENSES AND VIOLATIONS NOT DISCHARGED.

The repeal of any provision of any other ordinance by this Code shall not affect any action for prosecution or abatement under any such ordinance or any notice, complaint or order issued by any officer or agency of the Village prior to the effective date hereof, or concerning any prosecution or other steps of enforcement which have been taken or are being taken within any administrative agency or in the Parma Municipal Court for enforcement thereof. (Ord. 6-96. Passed 1-6-96.)

1490.19 POWERS AND DUTIES OF PROPERTY MAINTENANCE OFFICER.

(a) Promulgation of Rules and Regulations. The Property Maintenance Officer is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this Code, provided that such rules and regulations do not conflict with this Code and that they conform to the general standards prescribed by this Code. The Officer shall file copies of such rules and regulations with the Clerk/Treasurer, the Municipal Engineer, the Fire Chief, the Public Building Committee of Council and the Board of Zoning Appeals, and shall make available in the Officer's office a copy for inspection by members of the public during regular business hours. Such rules and regulations shall have the approval of the Engineer and the Fire Chief, respectively, where the provisions thereof relate to matters which are also under the jurisdiction of the supervision of each officer. In the case of a conflict, the rule or regulation may be promulgated by direction of the Public Building Committee of Council. Such rules and regulations shall have the same force and effect as the provisions of this Code, and the violations thereof shall be enforced as violations of the express provisions of this Code as herein provided.

(b) Power to Vary or Modify Provisions. The Property Maintenance Officer shall have the power to withhold strict enforcement of the requirements of this Code upon written application therefor by an owner, operator or occupant, after making a determination that:

- (1) Any variation or modification of a structure or use approved by the Officer will not in any material way alter the standards of this Code and shall not affect detrimentally the health or safety of the occupants or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood;
- (2) Strict enforcement would constitute an undue and unnecessary hardship on the owner or operator because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom;
- (3) The owner or operator is without any practical or feasible means to comply with the strict provisions of this Code;
- (4) The strict enforcement of the provisions of this Code would require the installation of repairs and improvements estimated to exceed five hundred dollars (\$500.00) in cost; and
- (5) The premises subject to this Code are contemplated for acquisition or are within an area where acquisition is contemplated by a public agency having the power of eminent domain, and there is a reasonable likelihood that the premises will be acquired and razed or moved within a period of two years. Any waiver of the provisions of this Code shall be cancelled and the Officer shall strictly enforce this Code if it is ascertained subsequent to the granting of the waiver that the premises are in fact not to be acquired for any public use or purpose.
 - A. Right to hearing. Upon denial of any such application, the owner, operator or applicant may request a hearing, which shall be requested in accordance with the provisions of Section 1490.17(c).
 - B. Application not to constitute a defense or stay. Such application shall not constitute a defense of any violation of this Code concerning any proceedings which are pending in the Parma Municipal Court when the application is filed, nor shall any variance or modification allowed hereunder constitute a vested right against any ordinance enacted hereafter by Council compelling strict enforcement of any provisions of this Code.

- C. Record of variations or modifications granted. Where variations or modifications are approved by any section of this Code, by the Property Maintenance Officer, by an action of the Board of Zoning Appeals or by any court, a written record thereof stating the name of the applicant, the address of the premises, the variation or modification approved, the date of approval and the reasons therefor, satisfying the provisions contained herein, shall be prepared by the Officer and filed both under the section or sections of this Code to which the variation or modification applies and under the address of the premises. Such files shall be available for public inspection in the office of the Officer during regular business hours.

(c) Annual Review. The Property Maintenance Officer shall, in the month of May of each year, review with the Fire Chief, the Municipal Engineer and the Law Director, the procedure and operation of this Code, and report to Council, on or before September 15:

- (1) Any recommended amendment, addition or modification to the provisions of this Code consonant with the field experience of the personnel charged with enforcement;
 - (2) A summary of the enforcement experience indicating the number of violations abated, the number of cases processed in the Parma Municipal Court, the number of inspections made and such other and further pertinent information as will provide Council with an annual account of progress in securing the standards required by this Code; and
 - (3) Any further recommendations as to how this Code and the procedures and operations hereunder can be improved.
- (Ord. 6-96. Passed 1-6-96.)

1490.20 INSPECTION AND STATUS REPORTS.

(a) Application for Inspection. Whenever an owner, operator, occupant, bona fide prospective purchaser, mortgagee or bona fide prospective occupant, shall apply to the Property Maintenance Officer for an inspection in order to ascertain if any section of this Code has been violated, the Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an information certificate or report of the inspection to the applicant, indicating therein any violations of this Code on the premises. The applicant for such inspection shall state, in writing, his or her full name, residence address and the reasons and basis for which the inspection is requested. The Officer may deny the application for failure to comply with this requirement.

(b) Application for Status Report. Where, in lieu of an inspection, an owner, operator, occupant, lessee, bona fide prospective purchaser, mortgagee or bona fide prospective occupant, requests a status report as to whether or not there are any known violations presently pending on the premises, upon payment of the fee prescribed herein and a written request, a copy of any notice or order on any violation then pending shall be sent to the applicant.

(c) Fees for Inspection or Status Report.

- (1) The minimum fee for any inspection made under subsection (a) hereof shall be ten dollars (\$10.00). Dwellings of more than ten dwelling units or rooming units shall pay an additional fee of fifty cents (\$.50) for each unit in excess of ten.
- (2) The fee for any status report under subsection (b) hereof shall be four dollars (\$4.00). (Ord. 6-96. Passed 1-6-96.)

1490.21 CERTIFICATE OF NECESSITY.

(a) Who May Apply. Any owner, operator or occupant who is required to make repairs or otherwise improve his or her property and is unable to comply with this Code without having a right of access to the building or premises through or across an adjoining premises not owned by him or her or under his or her control, and the right of access has been refused the owner, operator or occupant, or the owner or person responsible for granting permission cannot be found or located, upon the filing of an affidavit setting forth such facts with the Property Maintenance Officer, the Officer shall serve a five-day written notice of a hearing upon the owner, operator or occupant of such adjoining premises affected by the application.

(b) Hearing. On the day fixed for the hearing, the Board of Zoning Appeals shall provide an opportunity for the owner, operator or occupant of the adjoining property or properties to state why access should not be granted across the adjoining property or properties.

(c) Issuance of Certificate; Conditions. If the Board of Zoning Appeals determines that access is deemed absolutely necessary to accomplish or complete repairs or improvements necessary for compliance with this Code, then the Board shall issue a certificate of necessity setting forth therein the person to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damages and, where the Board deems proper, a bond to be procured at the expense of any person seeking access to insure the adjoining property against damage to persons or property arising out of such right of access. The bond shall not exceed an amount of ten thousand dollars (\$10,000), unless conditions deemed advisable by the Board appear otherwise, and the amount set shall take into consideration the extent, nature and duration of the repairs, the proximity of the improvement to the premises affected and the potential risk of damage thereto. The bond shall be filed with the Property Maintenance Officer.

(d) Procedure Where Access is Refused. Any refusal to comply with this section, or any interference with access to premises pursuant to a certificate issued hereunder, shall be a violation of this Code, and, in addition to penalties provided hereunder, the Property Maintenance Officer may, upon an affidavit, apply to the Parma Municipal Court for a warrant under the procedure set forth in Section 1490.16(b), authorizing access to the premises under appropriate conditions and circumstances as provided under division (c) of this section.
(Ord. 6-96. Passed 1-6-96.)

1490.22 REGISTRATION OF BUILDINGS CONSISTING OF FOUR OR MORE DWELLING UNITS.

The owner, operator and lessor of any building within the Village containing four or more dwelling units shall, on demand, upon a form provided therefor by the Property Maintenance Officer and available at his or her office, register the premises by designating thereon the name and address of the owner and the name and address of an agent in charge of the premises residing in the Municipality who may be the owner, operator or lessor. If there shall be more than one person as the owner, operator and lessor, then a separate or a single combined registration may be filed, as such persons may elect.
(Ord. 6-96. Passed 1-6-96.)

1490.99 PENALTY; EQUITABLE REMEDIES.

(a) 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 (\$1,000.00) 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.
(Adopting Ordinance)

(b) Application to Officers or Agents. Where the defendant is other than a natural person, division (a) of this section shall also apply to any agent, superintendent, officer, member or partner who shall, alone or with others, have the charge, care or control of the premises.

(c) Other Legal Action. The imposition of any penalty shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building, structure or premises; or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations or with the orders or determinations of the Property Maintenance Officer or the Board of Zoning Appeals.
(Ord. 6-96. Passed 1-6-96.)

