

1395.06 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS GENERALLY.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1395.06 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS GENERALLY.

CHAPTER 1395 Real Property Maintenance Code

1395.04 DEFINITIONS.

As used in this chapter, unless the context requires a different meaning:

- (1) "Accessory structure" means a subordinate building located on a lot containing a main building and the use of which is customarily incidental to that of such main building.
- (2) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines and which is used as a shelter or enclosure for persons, animals and/or property. This term shall be used synonymously with "structure" unless otherwise noted and shall be construed as if followed by the words "part or parts thereof".
- (3) "Building Code" means the Building Code of the City.
- (4) "Deterioration" means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.

(5) "Developed area" means a subdivided land mass where lots comprising eighty percent (80%) of the lineal feet fronting on a street, to a depth of 300 feet from the street right of way, are occupied with a building or buildings.

(6) "Developed street" means a street where lots comprising eighty percent (80%) of the lineal feet fronting on such a street between any two intersecting streets are occupied with a building or buildings.

(7) "Dwelling" means a structure designed for occupation as a residence by one or more families, each living independently in a separate dwelling unit.

(8) "Dwelling unit" means rooms providing complete living facilities for one family, including equipment for cooking or provision for the same and individual rooms for living, sleeping and eating.

(9) "Exposed to public view" means any premises, or any part thereof, or any building or any part, which may be viewed by the public, or any member thereof, from a sidewalk, street, alleyway, open air parking lot or from the area of any adjoining or neighboring premises, normally used as part of the habitable portion of such premises.

(10) "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.

(11) "Fire Chief" means the Chief of the Fire Department of the City.

(12) "Fire hazard" means any thing or act which increases or may cause increase of 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 fire, or which may obstruct, delay or be a hindrance to the prevention, suppression or extinguishment of fire or any other fire hazard in these Codified Ordinances.

(13) "Garbage" means putrescible, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(14) "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.

(15) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

(16) "Mixed occupancy" means any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling units.

(17) "Motor home" means a motor vehicle equipped as a place to live, usually with a bed or beds and cooking facilities.

(18) "Nuisance" means and includes:

A. Any public nuisance known in law or as provided by the statutes of the State or the ordinances of the City;

B. Conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist and where the condition is perilous by active and negligent operation thereof;

C. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this Real Property Maintenance Code; and

D. Fire hazards.

(19) "Operator" means any person who has charge, care or control of a building, structure, dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

(20) "Owner" means the owner or owners of the premises, including the holder of title thereto, subject to contract or purchase, a trustee, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, a tenant, an agent or any other person, firm, corporation or fiduciary directly in control of the premises.

(21) "Premises" means a lot, plat or parcel of land, including the buildings or structure thereon.

(22) "Property Maintenance Officer" means the Building Inspector.

(23) "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including, but not limited to, garbage, rubbish, ashes, street cleaning, dead animals and solid market and industrial wastes.

(24) "Registered mail" includes registered or certified mail.

(25) "Roomer" means a person other than a member of the family, who rents one or more rooms in the dwelling from the resident family.

(26) "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.

(27) "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.

(28) "Structure" means a combination of any materials, whether fixed or portable, forming a construction.

(29) "Vehicular recreational equipment" means all campers, travel trailers, mobile homes, converted buses, boats, trailers, whether for the transportation of portable tents, boats or other equipment or materials and stock cars, not exceeding thirty- one feet in length.

(30) "Weathering" means deterioration, decay or damage caused by exposure to the elements. (Ord. 57-93. Passed 5-25-93.)

1395.05 APPLICABILITY.

(a) Generally. Owners or operators of every residential and nonresidential building and the premises on which they are situated in the City, used or intended to be used for any use permitted by the Zoning Code, shall comply with the provisions of this Real Property Maintenance Code, whether or not such building has been constructed, altered or repaired before or after the enactment of this Code (and all other ordinances of the City) and irrespective of any permits or licenses which 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, the residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this chapter.

(b) Conflict of Laws. In any case where the provisions of this Code impose a higher standard than set forth in any other ordinance of the City or the laws of the State, then the standards set forth herein shall prevail. If the provisions of this Code impose a lower standard than the higher standard set forth in any other ordinance of the City or the laws of the State shall prevail.

(c) Issuance and Renewal of Other 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) Enforcement of and 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 City 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 City from enforcing any such other provision.

(e) Exceptions. Owners of vacant property or lots are excused from compliance with any provision of this Code relating to landscaping, unless such vacant property or lots are located on a developed street or in a developed area.

(Ord. 57-93. Passed 5-25-93.)

1395.06 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS GENERALLY.

(a) Owners and operators shall have all the duties and responsibilities as prescribed in this Real Property Maintenance 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 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 any of the aforesaid or between them and other parties.

(Ord. 57-93. Passed 5-25-93.)

1395.07 DUTIES OF OWNERS AND OPERATORS.

(a) Maintenance of Exterior of Premises Free of Hazards and Unsanitary Conditions. The exterior of the premises and the exterior of all structures thereon shall be kept free of all nuisances, unsanitary conditions and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and 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 of hazards which include, but are not limited to, the following:

(1) Refuse. An accumulation of brush, broken glass, stumps and roots that presents a safety hazard or of garbage, rubbish, trash and debris which presents an unsanitary and/or a safety hazard is prohibited. Compost piles, enclosed in a fenced-in area not exceeding twenty-four square feet and maintained no closer than ten feet from adjacent property lines, shall be exempt from this prohibition.

(2) Natural growth. Dead trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a nuisance, visual, olfactory or otherwise, or a hazard to persons in the vicinity thereof, are prohibited.

(3) Overhangings and awnings. Loose and overhanging objects which, by reason of their location above ground level, constitute a danger of falling on persons in the vicinity thereof, are prohibited.

(4) Infestation with vermin or rodents. The owner, occupant or person in charge or control of any premises shall not cause or knowingly permit such premises to become or to remain infested with vermin or rodents.

(5) Foundation walls. Exterior foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

(6) Chimneys and all flue and vent attachments thereto. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to perform capable at all times the functions for which they were designed, and the same shall be capable of withstanding the action of flue gases.

(7) Gutters and downspouts. All gutters and downspouts shall be placed in compliance with this Building Code and maintained to collect surface water from roofs.

(8) Sidewalks. All sidewalks shall be kept in repair. Any grade separation greater than 1-1/2 inch on the surface of a sidewalk caused by cracks or settling shall be promptly replaced or repaired. Sidewalks having surfaces which are eroded or pitted to such an extent as to cause a safety hazard to pedestrians shall be replaced or repaired.

(9) Firewood. Front yards shall be kept free, and storage shall be prohibited, of all firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities. Storage of such materials shall be permitted only in side or rear yards and only when materials are stored in such a manner so as not to constitute a fire hazard. Storage shall not exceed an amount sufficient for a one-year supply for the property wherein such materials shall be stored.

(b) Appearance of Exterior of Premises and Structures. The exterior of the premises, the exterior of structures, the exterior of dwelling structures and the condition of accessory structures shall be maintained by each owner or operator so that the appearance of the premises and all buildings thereon shall not constitute a nuisance, nor be kept in a condition unnecessarily offensive to the visual sensibilities of the average person which would materially and economically detract from the district or neighborhood.

(1) Residential. To effect the purposes of this section, the owner or operator of the premises shall use, maintain or refrain from using the premises and all buildings thereon, as the case may be, as follows:

A. Storage of commercial and industrial materials or waste. Equipment and materials relating to commercial or industrial uses or wastes shall be stored or used unless permitted under the Zoning Code for the premises.

B. Landscaping. Landscaping and ground covering on all premises shall be installed and maintained. Lawns, grass or grass-like ground coverings, hedges and bushes shall be trimmed and kept from becoming 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. Grass in lawns, or other ground cover, permitted to grow in excess of six inches in height, shall be presumed to be a nuisance.

C. Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair and 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 as set forth herein.

1. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates, blights or debases the appearance of the neighborhood; or creates a fire, safety or health hazard or which is a public nuisance; or which adversely alters the appearance and general character of the neighborhood and shall keep such premises free of any debris, objects, material or condition which may create a health, accident or fire hazard or which is a public nuisance. Lawns, landscaping, trees and driveways shall also be maintained.

2. All exterior parts of every dwelling and all accessory buildings shall be maintained weathertight and shall be maintained so as to resist decay or deterioration from any cause. This includes exterior walls, parapet walls, chimneys and other exterior structures either above or below the roof line.

3. Any dwelling or appurtenant structure whose exterior surface is bare, deteriorating, ramshackled, tumbledown, decaying, disintegrating or in poor repair shall be repaired or razed. All buckled, rotted or decayed or deteriorated walls, doors, windows, porches, floors, steps, ceilings, posts, sills, trim and their missing members shall be repaired and put in good condition. All replacements shall match and conform to original design or be replaced completely.

4. Any dwelling or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating or . whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired, repainted or resurfaced. All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or recoating. All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner. All new or repaired bare surfaces shall be painted or coated.

E. Laundry. All laundry poles or lines for the drying of clothes shall be constructed and maintained only in the rear yard.

F. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing, whenever the occupant fails to maintain a dwelling in a rodent-proof or insect-proof condition or whenever infestation exists in two or more of the dwellings in dwelling unit, or in the shared or public parts of a dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(2) Nonresidential. To effect the purposes of this section, the owner or operator shall use, maintain or refrain from using the premises and all buildings thereon, as the case may be, as follows:

A. Landscaping. Premises shall be maintained. Lawns, hedges and bushes shall be trimmed and kept from becoming overgrown and unsightly where exposed to public view. Grass and lawns permitted to grow in excess of six inches in height, shall be presumed to be a nuisance. Landscaping and ground covering on all premises shall be installed and maintained.

B. Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have weathered or faded or those upon which the paint has peeled shall, with their supporting members, be removed forthwith or put into a good state of repair. All broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

C. 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 in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

D. Signs or advertising removal. Except for "For Rent" signs, and temporary signs, temporary window or other paper advertising material glued or otherwise attached to a window or windows otherwise exposed to public view shall be removed within thirty days after erection.

E. Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the 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 contained herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

F. Storage of industrial and commercial materials or waste and motor vehicle equipment. Equipment, materials, waste or motor vehicle equipment relating to commercial or industrial uses shall not be stored or used at a location visible from the sidewalk, street or other public areas unless expressly permitted under the Zoning Code for such premises. The parking or storage of boats, motor homes, recreational vehicles, travel trailers and truck trailers used for sales or storage between the property line at the street right of way and the front of every commercial or industrial building is prohibited. All such boats, motor homes, recreational vehicles, travel trailers and truck trailers used for sales or storage shall be stored in the rear yard and screened from view. In the event that the commercial or industrial building is located on a corner lot, boats, motor homes, recreational vehicles, travel trailers and truck trailers used for sales or storage shall not be stored or parked between the property line at the street right of way and the side of the building facing the street.

(c) Structural Soundness and General Maintenance of Exterior; Residential and Nonresidential. Every owner or operator shall maintain the exterior of every structure or accessory structure free of nuisance. The exterior of every structure or accessory structure shall not be kept by any owner or operator in a condition unnecessarily offensive to the visual sensibilities of the average person which would materially and economically detract from the district or neighborhood.

To effect the purpose of this section, the owner or operator shall use, maintain or refrain from using the premises and all buildings thereon, as the case may be as follows:

(1) Painting and other protective coating. All surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration or rot.

(2) Surfaces. All surfaces shall be maintained free of broken windows, crumbling stone or brick, peeling paint or any other condition reflective of deterioration or inadequate maintenance.

(3) Exterior walls, sidings and roofs. Exterior walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.

(4) Damaged materials. Damaged materials shall be repaired or replaced.

(5) Rotted or corroded materials. Materials showing signs of rot, deterioration or excessive corrosion shall be restored and protected.

(d) Reconstruction of Walls and Sidings.

(1) No owner or operator of any premises or buildings shall cause or permit to be reconstructed walls and sidings on any buildings unless all construction of walls and sidings is of standard quality permitted by this Building Code and their appearance commensurate with the character of the properties on the same block and on both sides of the street on which the premises fronts.

(2) No owner or operator shall use any material of a kind that, by its appearance under prevailing appraisal practices and standards, will depreciate the value of neighboring and adjoining premises.

(e) Freedom from Infestation. No owner or operator of the premises or any building thereon shall maintain the exterior parts of the premises or buildings in a condition that will permit

infestation by insects, rodents or other vermin.

(f) Landscaping. Any landscaping provided for herein shall be installed within sixty days of the issuance of any occupancy or re-occupancy permit. If the Building Inspector determines that the weather does not allow for such landscaping to be installed within that time period he may grant an extension of time to so install provided a bond in the amount of five hundred dollars (\$500.00) must be deposited by the person seeking the extension.

(Ord. 57-93. Passed 5-25-93.)

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