

Resolution
Of
Olmsted Township
Part Fourteen---Property Maintenance Code

TITLE ONE - Administrative Provisions

- Chap. 1401. Property Maintenance Code
- Chap. 1403. Administration.
- Chap. 1405. Inspections
- Chap. 1407. Board of Property Maintenance Code Appeals
- Chap. 1409. Violations and Penalty

Chapter 1401
PROPERTY MAINTENANCE CODE

1401.01 Implementation of International Property Maintenance Code

14201.03 Amendments

14201.04 Conflict with the Ohio Building Code

1421.02 IMPLEMENTATION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

The 2000 International Property Maintenance Code, Copy Right 2001, International Code Council, Incorporated., except such portions as are hereinafter excluded or amended, is hereby adopted and incorporated as fully as if set out at length herein, and the date on which this chapter takes effect the provisions thereof shall be controlling in establishing the minimum maintenance requirements for all properties in the Township.

1421.03 EXCLUSIONS AND AMENDMENTS

The adoption of the International Property Maintenance Code is modified and limited as follows: The following sections are deleted: 101.2, 102.3, 103 in its entirety, 104 in its entirety, 106 in its entirety, 107 in its entirety, 111 in its entirety, 202 the definition for rooming house, 302.4.

- a. The following sections are amended as indicated: 303.1 Insect Screens -- {Date} to {Date} shall be May 1 to October 31; 602.3 Heat Supply -- During the period from {date} to {date} shall be amended to as needed; 602.4 Occupiable work spaces -- During the period from {date} to {date} shall be amended to as needed.
- b. The following regulations shall be added:

VEGETATION AND YARD MAINTENANCE

Where the Building Commissioner determines the maintenance of yards and vegetation has been abandoned and poses a potential health and safety hazard or constitutes a nuisance because grass and weeds have been allowed to exceed eight inches, the Building Commissioner has the authority to eliminate said condition in accordance with the authority otherwise granted herein.

SIGNS OF DEFUNCT BUSINESSES Sign facings and all supporting structures shall be removed within 90 days of the last day of operation for any business, group or organization erecting or utilizing a sign unless otherwise approved by the Building Commissioner.

1421.04 CONFLICT WITH THE OHIO BUILDING CODE

When any sections or language conflicts with the Ohio Building Code, the Ohio Building Code shall prevail.

CHAPTER 1403
ADMINISTRATION

1403.01	Short title	1403.10	Rules and regulations: review, publication, effect and amendment
1403.02	Purpose.		
1403.03	Scope.		
1403.04	Conflict; greater restriction to control.	1403.11	Nonliability
1403.05	Relation to Building and zoning	1403.12	Records
1403.06	Severability.	1403.13	Public Awareness
1403.07	Administration.	1403.14	Customer Service
1403.08	Duties of the Building Commissioner	1403.15	Interdepartmental and Interagency Cooperation
1403.09	Incompatible occupations and contracts.	1403.16	Education of Customers
		1403.17	Education of staff
		1403.18	Qualifications of Inspectors
		1403.19	Payment of Fees
		1403.99	Interpretation of this Chapter

1403.01 SHORT TITLE.

This Part Fourteen may be cited as “The Property Maintenance Code of Olmsted Township, Ohio”, and is referred to herein as “Maintenance Code” or “this Code”.

1403.02 PURPOSE.

Within the scope of this Maintenance Code, the purpose of this Maintenance Code is to provide, minimum standards to safeguard life or limb, health, property and the public welfare.

1403.03 SCOPE.

The provisions of this Maintenance Code, as may be amended or supplemented from time to time, shall apply to the maintenance of all types of buildings, structures, appurtenant structures, property and land to the extent now or hereafter provided for herein.

1403.04 CONFLICT; GREATER RESTRICTION TO CONTROL.

If in any specific case there is a difference in the requirements specified in different titles, chapters or sections of this Maintenance Code, or between the requirements of this Maintenance Code and any other applicable laws or Resolution, the more restrictive shall govern.

1403.05 RELATION TO BUILDING AND ZONING.

It is not the intent of this Maintenance Code to modify the restrictions of the Building or Zoning Code or any other ordinance or law relating to the use of land and buildings. Such building and zoning restrictions or other law or ordinance shall control except where the

provisions of this Maintenance Code are more restrictive, in which case the provisions of this Code shall control.

1403.06 SEVERABILITY.

Each section of this Maintenance Code or each part of such section is declared to be an independent section or part of a section, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of such section or the application thereof to any person or circumstance is held invalid for any reason, the remaining sections or parts of sections and the application of such provision to any person or circumstance, other than those as to which it is held invalid, shall not be affected thereby. It is declared that this Maintenance Code would have been passed independently of such section, sections, or parts of a section so held to be invalid.

1403.07 ADMINISTRATION.

- a. The Maintenance Code shall be administered by the Building Commissioner and such assistants as may be authorized and appointed according to the State Law and the Resolutions of Olmsted Township.
- b. The Building Commissioner, in order to be qualified to administer and enforce the Property Maintenance Code pursuant to Ohio Revised Code 505.73, shall be certified by the State of Ohio Board of Building Standards as a Building Official, Building Inspector and Electrical Safety Inspector within one year of being hired or assigned the duty of administering and enforcing the code. A certification as a property maintenance Inspector must be obtained.

1403.08 DUTIES OF THE BUILDING COMMISSIONER.

The Building Commissioner shall have the duties set forth herein, the inspection of buildings and property, the interpretation of the Chapters in Part Fourteen and the adopted codes and such other powers as are now or may hereafter be conferred upon, Property Maintenance Inspectors or other staff members by Resolution or State laws. Such inspectors shall have similar powers and shall exercise the same under the supervision and control of the Building Commissioner.

1403.09 INCOMPATIBLE OCCUPATIONS AND CONTRACTS.

Neither the Building Commissioner nor any of his assistants shall within Olmsted Township during his term of office, be employed or engaged directly or indirectly in any building or inspection business, enter into any contract for building or inspecting for others, or furnish materials, plans or specifications for others other than in their duties to Olmsted Township .

1403.10 RULES AND REGULATIONS; REVIEW, PUBLICATION, EFFECT AND AMENDMENT.

- (a) Review. The Building Commissioner shall review existing Maintenance Codes, monitor changes in model codes and make recommendations on a yearly basis, if needed.
- (b) Promulgation. The Building Commissioner may, with the approval of any required boards or commissions promulgate such rules and regulations as he may determine are

necessary to supplement or aid in the interpretation of the requirements of this Maintenance Code, which rules and regulations shall be consistent herewith.

1403.11 NONLIABILITY.

Neither the Building Commissioner, nor any of his assistants, shall be personally liable for damages by reason of acts performed within the scope of his or her duties under the provisions of this Maintenance Code.

1403.12 RECORDS.

The Building Commissioner shall keep or cause to be kept a record of the business of the Department. The records of the Department shall be open to public inspection during regular business hours as required by law.

1403.13 PUBLIC AWARENESS

The Building Commissioner shall develop a written policy to maintain a yearly program to create public awareness in regards to the requirements for the Olmsted Township Property Maintenance Code.

1403.14 CUSTOMER SERVICE

The Building Commissioner shall develop a written policy to attain and maintain a high level of quality, customer service. This shall include written guides and forms to assist the department's customers in inspections and other needed services as well as written operational guidelines for staff members.

1403.15 INTERDEPARTMENTAL AND INTERAGENCY COOPERATION

The Building Commissioner shall develop a policy to examine and improve the flow of information and cooperation between agencies involved in maintaining the health, safety and maintenance of structures and property.

1403.16 EDUCATION OF CUSTOMERS

The Building Commissioner shall develop yearly education programs. These programs shall be developed for contractors, landlords, Realtors, homeowners and other customers. The programs shall be conducted free of charge.

1403.17 EDUCATION OF DEPARTMENT STAFF

The Building Commissioner shall evaluate the education needs of the staff and develop a training schedule for in-house and outside source education. The purpose will be to increase technical knowledge of the staff in completing their assigned duties, which therefore will increase their ability to serve the Township and its property owners.

1403.18 QUALIFICATIONS OF INSPECTORS

Inspectors shall possess a minimum knowledge of construction and property maintenance. Training may be substituted for this knowledge as determined by the Building Commissioner. Certification as a property maintenance inspector within (one) 1 year is required.

1403.19 PAYMENT OF FEES

No registration shall be issued nor shall any action be taken until all fees, charges expenses and bonds have been paid in full. All properly charged fees are non refundable unless otherwise specified in this chapter. Fees collected in error may be refunded in whole or in part. The amount of the fees to be charged is adopted by resolution separate from this code.

1403.99 INTERPRETATION OF THIS CHAPTER

- (a) Nothing contained in this Maintenance Code shall be deemed to exempt an applicant from the provisions of any other section of these Maintenance Code or from the payment of any other fee or from the necessity of obtaining any other permit required under this Maintenance Code or any other applicable laws, resolutions, or regulations.
- (b) The Building Commissioner may designate other employees of the Building Department to perform any of the duties described in this chapter.

CHAPTER 1405
INSPECTIONS

1405.01	Inspections required
1405.02	Inspections
1405.03	Right of entry and inspection.
1405.04	Minimum inspections required
1405.05	Minimum commercial inspections required
1405.06	Minimum one, two and three family inspections required

1405.01 INSPECTIONS REQUIRED

The Building Commissioner, or any of his duly authorized assistants, may conduct inspections of the interior and exterior of all properties as required by this section and the programs outlined herein.

1405.02 INSPECTIONS

The Building Commissioner, or any of his duly authorized assistants, 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 or agent of such approved agency.

1405.03 RIGHT OF ENTRY AND INSPECTION.

- (a) The Building Commissioner, or any of his duly authorized assistants, may at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the Township to perform any duty imposed on him by this Property Maintenance Code, provided that permission to enter is first obtained from the owner, occupant or agent or reasonable written notice is given by regular mail or posting on the property. This reasonable notice applies to exterior types of inspections when the area to be inspected is not visible from the street, right of way or adjoining property when the adjoining property's owner has given permission to Township personnel to enter. If such permission is refused or is otherwise unobtainable, a search warrant must be obtained before such entry or inspection is made, except in the case of an existing emergency or exigent circumstances in which case entry may be made at any time and no search warrant is necessary.

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

1405.04 MINIMUM INSPECTIONS REQUIRED

This chapter shall outline the minimum residential and commercial inspection programs that the Building Commissioner shall conduct to insure proper enforcement of the property maintenance codes to insure health, safety and public welfare. The implementation of these programs is dependent on proper funding for the programs. This chapter is intended to regulate minimum programs and shall not be construed to imply that other programs or more frequent inspections cannot be conducted whereas a need is determined by the Building Commissioner.

1405.05 MINIMUM COMMERCIAL INSPECTIONS REQUIRED

- (a) Exterior Inspection Program- The exteriors of all commercial buildings and vacant lots in commercial areas shall be inspected a minimum of once a year.
- (b) The interiors of all vacant buildings shall be inspected a minimum of once a year.
- (c) Upon Complaint.
- (d) These inspections are in addition to inspections required by other programs listed in this section, although the Building Commissioner may determine that similar inspections satisfy required inspections.

1405.06 MINIMUM ONE, TWO AND THREE FAMILY INSPECTIONS REQUIRED

The following are the minimum programs required for all one, two, and three family dwellings and vacant lots zoned as such in the .

- (a) Curb appeal inspections-completed from the street or sidewalk shall be completed a minimum of once every four years .
- (b) The interiors of all vacant buildings shall be inspected a minimum of once a year.
- (c) Upon Complaint.
- (d) These inspections are in addition to inspections required by other programs listed in this section, although the Building Commissioner may determine that similar inspections satisfy required inspections.

Exception: Mobile Home parks shall be inspected by the County Health Department and the Olmsted Building Department shall inspect only when requested by the County Health Department.

CHAPTER 1407
BOARD OF PROPERTY MAINTENANCE CODE APPEALS

- 1407.01 Board of Zoning and Building Appeal to act as Board of Property Maintenance Code Appeals.
- 1407.02 Powers.
- 1407.03 Meetings and records.
- 1407.06 Right to appeal or hearing.
- 1407.07 Time, fee and notice of appeal.
- 1407.08 Action on appeals, hearings and reviews.
- 1407.09 Decisions.
- 1407.10 Variations and modifications.
- 1407.11 Compliance action by Commissioner.

1407.01 BOARD OF ZONING AND BUILDING APPEAL.

- (a) The Board of Zoning and Building Appeals, as established by statute and/or resolution, shall act as the Board of Property Maintenance Code Appeals for all enforcement action under this Property Maintenance Code, and the term “Board of Property Maintenance Code Appeals” means the Board of Zoning and Building Appeals in this Code or any technical code incorporated herein.

1407.02 POWERS.

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

- (a) Affirm or reverse, in whole or in part, or modify any decision of the Building Commissioner interpreting the provisions of this Property Maintenance Code.
- (b) Vary the application of any provision of this Property Maintenance Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice or would be contrary to the spirit and the purpose of this Property Maintenance Code or the public interest.
- (d) Determine any requirement for the strength or stability or proper maintenance of an existing building, structure or property or for the safety or health of the occupants thereof, not specifically covered by this Property Maintenance Code, or not readily interpretable from the provisions of this Property Maintenance Code.
- (e) Determine whether any proposed rule or regulation of the Commissioner supplements or aids in the interpretation of the requirements of this Property Maintenance Code or is consistent therewith, and affirm, amend, modify or nullify any such proposed rule or regulation.
- (f) Establish rules and regulations for the registration and licensing of any property or business in the Township.

- (g) Report and recommend to the Board of Trustees any amendment, deletion or addition to this Property Maintenance Code.

1407.03 RIGHT TO APPEAL OR HEARING.

Any person, Township officer, or any public body aggrieved by the action of the Building Commissioner may take an appeal to the Board of Property Maintenance Code Appeals. The Commissioner, Township officer, any public body, or any member of the Board may request a hearing by the Board on any subject over which the Board has jurisdiction or power, as set forth in this Property Maintenance Code, or may request the Board to review or interpret any provision of this Property Maintenance Code.

1407.04 TIME, FEE AND NOTICE OF APPEAL.

- (a) An appeal from any decision of the Building Commissioner may be taken within thirty (30) days from the date of notification of the decision from which the appeal is taken by paying a fee as specified in Chapter 1401 of the Resolution and filing with the Commissioner a notice of appeal specifying the grounds therefore. The Commissioner shall forthwith transmit to the Board of Property Maintenance Code Appeals papers upon which the action appealed was taken. Failure to file a written appeal within the time prescribed herein shall constitute a waiver of the right of appeal.

1407.05 ACTION ON APPEALS, HEARINGS AND REVIEWS.

- (a) Notice. The Board of Property Maintenance Code Appeals shall hold a public hearing on each appeal and shall give such notice to the Building Commissioner and other interested parties as the Board directs and shall give such notice to the public by posting, publication, or otherwise as the Board deems appropriate. At the hearing any party may appear in person or be represented by an agent upon execution of a limited power of attorney.
- (b) Evidence and Inspection. In passing upon appeals, the Board may require submission of evidence or proof to substantiate claims, and may require such additional data and tests which, in the opinion of the Board, are needed for adequate consideration of the appeal. Any member of the Board or any person authorized by the Board may at any time enter, inspect, and examine any plans, building or structure for the purpose of carrying out the duties of the Board.

1407.06 DECISIONS.

The Board of Property Maintenance Code Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed in the office of the Building Commissioner and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant or other interested party, and a copy shall be kept publicly posted in the office of the Commissioner for two (2) weeks after filing.

1407.07 VARIATIONS AND MODIFICATIONS.

The Board of Property Maintenance Code Appeals, after public hearing, may vary the applications of any provision of this Property Maintenance Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and purpose of this Property Maintenance Code or public interest, or when, in its opinion, the interpretation of the Building Commissioner should be modified or reversed. A decision of the Board to vary the application of any provision of this Property Maintenance Code or to modify an order of the Commissioner shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefore.

1407.08 COMPLIANCE ACTION BY BUILDING COMMISSIONER.

If a decision of the Board of Property Maintenance Code Appeals reverses or modifies a refusal, order or disallowance of the Building Commissioner, or varies the application of any provision of this Property Maintenance Code, the Commissioner shall take action in accordance with such decision without unreasonable delay.

CHAPTER 1409
VIOLATIONS AND PENALTY

- 1409.01 Notice of violation: designation of resident agent;
mail and posting notice.
- 1409.02 Resident Agent Required
- 1409.04 Notice of minor violation(s).
- 1409.05 Noncompliance with notice.
- 1409.06 Cases of emergency.
- 1409.08 Placards.
- 1409.09 Expenses and costs.

1409.01 NOTICE OF VIOLATION; MAIL AND POSTING OF NOTICE.

Whenever the Building Department finds any dwelling, structure or premises or any improved real estate, or any part thereof, to be in violation of the provisions of this Maintenance Code, the Building Commissioner shall cause to be given or mailed by certificate of mailing to the owner, agent, occupant or operator of such structure or premises a written notice stating the violation therein. The notice may also be posted on the building and or advertised in a newspaper of general circulation, if the owner or is agent cannot be located. Such notice shall order the owner, agent or operator within a stated reasonable time, as determined by the Building Commissioner, but not less than 24 hours except in the case of emergency, to repair, improve, or demolish the structure or premises concerned. Such delivery, mailing or posting shall be deemed legal service of notice.

1409.02 NOTICE FORM

Such notice as prescribed in section 1407.01 Shall:

1. Be in writing
2. Include a sufficient description of the real estate to properly identify it.
3. Include a description of the violation or violations.
4. Include the amount of time being given to make the repairs or improvements required to eliminate the violation.
5. Inform the recipient of the violation notice of their right to appeal.

1409.03 RESIDENT AGENT REQUIRED

If the owner of any improved real estate is not a resident of Cuyahoga County, or a contiguous county, such owner shall designate and file with the Building Commissioner the name, address, telephone number and copy of drivers license or other approved picture identification, of an agent who is a resident of Cuyahoga County or a contiguous county for the purpose of receiving all notices of inspection, orders, or otherwise from the Olmsted Township relative to

such improved real estate. Service of a notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent by certificate of mailing of the last known, address of the owner. Notice may also be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such posted notice without the written permission of the Building Commissioner.

1409.04 NONCOMPLIANCE WITH NOTICE.

Whenever the owner, agent, occupant, contractor, subcontractor or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Building Commissioner or his designated representative, the Building Commissioner or such designated representative may issue a notice to such owner agent, occupant or operator ordering the structure or premises, or part thereof, to be vacated, repaired or improved within twenty four (24) hours, except in cases of emergency, or the Building Commissioner or his designated representative may issue a ticket as permitted by Ohio law or advise the Township legal counsel of the circumstances and request the Township legal counsel to institute an appropriate criminal or civil action at law to compel compliance, or both. Such notice shall be delivered by mail or posted in the same manner as provided in Section 1407.01

1409.05 ORDER TO VACATE

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

1409.06 ORDER TO DEMOLISH

Whenever the owner, agent or operator of a structure fails, neglects or refuses to comply with a notice to demolish such structure or part thereof, or a secondary or appurtenant structure, issued in accordance with the provisions of this Maintenance Code and when such structure or part thereof is determined by the Building Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Building Commissioner may initiate legal proceedings to, or to take such other action as may be necessary to abate the nuisance. The Building Commissioner shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1407.01.

1409.07 NUISIANCE ABATEMENT

The Building Commissioner may secure services to abate nuisances that are deemed to be minor in nature if the cost of such services does not exceed \$500.00.

1409.08 TRANSFER OF OWNERSHIP

Any owner of any such property as to which an order or notice to repair, improve, demolish or vacate has been issued shall not sell or enter into an agreement to sell or lease such property unless such order of the Building Commissioner has been disclosed and displayed to the prospective purchaser or lessee as required in section .

1409.09 CASES OF EMERGENCY.

Whenever, in the opinion of the Building Commissioner, the condition of structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he may abate any immediate hazard and he may declare a case of emergency and shall immediate vacation of the structure or premises, or part thereof. Such notice, if not immediately remedied and abated by the Commissioner, shall be served in the manner provided in Section 1407.03, but shall require immediate compliance. The reasonable costs of abatement of an immediate hazard shall be paid to the Township prior to re-occupancy of the property or structure.

1409.10 PLACARDS

Whenever the Building Commissioner orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such vacation order. No person shall deface or remove such notice until corrections are completed. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

1409.98 PENALTY.

- (a) The owners, tenants or persons in charge of any building or premises where anything in violation of this Maintenance Code is placed or exists, and any person who violates or causes or knowingly permits any violation of this Code in buildings or on premises under his charge or control, and any person who violates any provision of this Code or fails to comply therewith shall, for each violation or noncompliance, be deemed guilty of a misdemeanor of the first degree with penalties as set forth in sections 1407.98 b and c . Each day of such violation or failure to comply may constitute a separate offense. In the event of any conflict in the penalty provisions of this Maintenance Code, the most severe shall govern the violation.
- (b) The penalty shall be a maximum of \$1,000.00 per day per violation or imprisoned not more then 6 months or both.
- (c) Regardless of the penalties provided in subsection (b) hereof, an organization convicted of an offense of 1407.98 shall be fined not more then \$5,000.00 per day, per violation.