

KEVIN D. MALECEK  
President of Council

DAVID A. REICHEL  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

Council  
CHRISTOPHER L. BIRO  
NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## ORDINANCE NO. 2010-22

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### **AN ORDINANCE ENACTING AN EXTERIOR PROPERTY MAINTENANCE CODE FOR THE RESIDENTIAL DISTRICTS WITHIN THE CITY OF WILLOUGHBY HILLS.**

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**WHEREAS**, on July 13, 1967 the Council of the City of Willoughby Hills adopted Ordinance No. 1967-30 thereby defining unsafe structures, exterior property nuisances and establishing standards and regulations essential to ensure that structures are safe, sanitary and fit for occupation and use; and

**WHEREAS**, the purpose of this Code is to protect the public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance, and exterior condition of all residential premises and uses throughout the City; to fix certain responsibilities and duties upon owners, residents and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises and uses; to fix penalties for the violations of this Code; and to provide for the repair, demolition, or vacation of premises unfit for human habitation, occupancy, or use; and

**WHEREAS**, no provisions of this Code shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate; consistent with other applicable provisions of law; and

**WHEREAS**, this Code is hereby declared to be remedial and essential for the public interest, and it is intended that this Code be construed and interpreted to effectuate the purposes as stated herein.

***NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** Existing Chapter 1337 of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is amended to read and provide in its entirety as follows:

#### **“CHAPTER 1337 Exterior Maintenance Code**

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|---|---|
| <b>1337.01 Title.</b>                       | <b>1337.11 Unsafe Structures and Equipment.</b>     |
| <b>1337.02 Scope.</b>                       | <b>1337.12 Emergency Measures.</b>                  |
| <b>1337.03 Intent.</b>                      | <b>1337.13 Abatement and Other Lawful Remedies.</b> |
| <b>1337.04 Severability.</b>                | <b>1337.14 Demolition.</b>                          |
| <b>1337.05 Definitions.</b>                 | <b>1337.15 Exterior Property Areas.</b>             |
| <b>1337.06 Applicability.</b>               | <b>1337.16 Swimming Pools, Spas, and Hot Tubs.</b>  |
| <b>1337.07 Enforcement and Application.</b> | <b>1337.17 Exterior Structure.</b>                  |
| <b>1337.08 Violations.</b>                  | <b>1337.18 Rubbish and Garbage.</b>                 |
| <b>1337.09 Notices, Orders and Service</b>  | <b>1337.19 Extermination.</b>                       |
| <b>1337.10 Municipal Court Proceedings.</b> | <b>1337.99 Penalties and Fines.</b>                 |

**1337.01 TITLE.**

These regulations shall be known as **the Exterior Property Maintenance Code of Willoughby Hills**, hereinafter referred to as “*this Code*.”

**1337.02 SCOPE.**

The provisions of this Code shall apply to all existing residential and *nonresidential* structures and all existing residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities; the responsibility of owners, operators and occupants; and for administration, enforcement and penalties.

**1337.03 INTENT.**

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**1337.04 SEVERABILITY.**

If a section, subsection, sentence, clause or phrase of this Code is, for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this Code.

**1337.05 DEFINITIONS.**

The following terms wherever used herein or referred to in this Chapter shall have the respective meanings assigned to them unless a different meaning is indicated clearly by the context:

- (a) **Accessory Structure**  
A structure the use of which is incidental to that of the main building and which is attached hereto or located on the same premises.
- (b) **Approved**  
Approved by the Building Inspector/Commissioner.
- (c) **Building Code**  
The Building Code of the City and/or State or Federal and any and all amendments thereto.
- (d) **Building Inspector/Commissioner**  
The City Official who is charged with the administration and enforcement of this Code otherwise known as the Building Inspector/Commissioner or his or her designee.
- (e) **Condemn**  
To adjudge unfit for occupancy.
- (f) **Customary Home Occupation**  
A use or occupancy as defined in Chapter 1103, subsection 1103.02(89) and as regulated in Chapter 1157, subsection 1157.05.
- (g) **Deterioration**  
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.

- (h) **Dwelling**  
Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (i) **Dwelling Unit – (Commercial Exterior Code)**  
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.
- (j) **Easement**  
That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- (k) **Exposed to Public View**  
Any premises, any part thereof, or any building or any part thereof which may be lawfully viewed by the public from a sidewalk, street, open air parking lot or from any adjoining or neighboring premises.
- (l) **Exterior of the Premises**  
Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.
- (m) **Exterior Property**  
The open space on the premises and on adjoining property under the control of owner's or operators of such premises.
- (n) **Extermination**  
The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigation, trapping or by any other approved pest elimination methods.
- (o) **Fire Hazard**  
Anything or act which increases or may cause an 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 hinder or may become the cause of an obstruction, a delay, a hazard or hindrance to the prevention, suppression or extinguishment of fire; or any other fire hazard identified in the Codified Ordinances of the City.
- (p) **Garbage (also see "Refuse" and "Rubbish")**  
The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (q) **Guard**  
A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (r) **Immediate Neighborhood**  
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.

- (s) **Imminent Danger**  
A condition which could cause serious or life-threatening injury or death at any time.
- (t) **Infestation**  
The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.
- (u) **Inoperable Motor Vehicle**  
A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.
- (v) **Mixed Occupancy**  
Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.
- (w) **Nuisance**
  - (1) Any public nuisance known in equity jurisprudence, or as provided by the statutes of the state or the Ordinances of the City;
  - (2) Conditions dangerous to human life or detrimental to health of persons on or near the premises where 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 Chapter; and
  - (4) Fire hazards.
- (x) **Occupancy**  
The purpose for which a building or portion thereof is utilized or occupied.
- (y) **Occupant**  
Any individual living or sleeping in a building, or having possession of a space within a building.
- (z) **Open Area**  
The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (aa) **Operator**  
Any person who has 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.
- (bb) **Owner**  
Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the state of any such person, and the executor or administrator of the estate of such person or fiduciary if ordered to take possession of real property by a court.
- (cc) **Person**  
An individual, corporation, partnership or any other group acting as a unit.

- (dd) **Premises**  
A lot, plot or parcel of land, easement or public way, including any structures thereon.
- (ee) **Public Way**  
Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- (ff) **Refuse (also see “Garbage” and “Rubbish”)**  
All putrescible and nonputrescible solid wastes, except body wastes, including, but not limited to garbage, rubbish, yard clippings, leaves, ashes, street cleanings, dead animals and solid market and industrial wastes, unlicensed and inoperable motor vehicles and/or machinery, and appliances.
- (gg) **Registered Mail**  
Means registered or certified mail.
- (hh) **Rooming Unit**  
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.
- (ii) **Rubbish (also see “Garbage” and “Refuse”)**  
Nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, wood, glass, crockery and similar materials.
- (jj) **Strict Liability Offense**  
An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
- (kk) **Structure**  
A combination of any materials, fixed or portable, forming a construction.
- (ll) **Tenant**  
A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- (mm) **Ventilation**  
The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (nn) **Weathering**  
Deterioration, decay or damage caused by exposure to the elements.
- (oo) **Weeds**  
All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- (pp) **Workmanlike**  
Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.
- (qq) **Yard**  
An open space on the same lot with a structure.

**1337.06 APPLICABILITY.**

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in **Chapter 1337 – Exterior Maintenance Code**. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

- (a) **Maintenance.** Equipment, systems, devices and safe-guards required by this Code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire-protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (b) **Application of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this code shall be construed to cancel, modify or set aside any provision of any existing Codes.
- (c) **Existing Remedies.** The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers, or agencies, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.
- (d) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- (e) **Historic Buildings.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Building Inspector/Commissioner to be safe and in the public interest of health, safety and welfare.
- (f) **Referenced Codes and Standards.** The Codes and Standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced Standards, the provisions of this Code, to the extent permitted by law, shall apply.
- (g) **Requirements Not Covered by Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Building Inspector/Commissioner.

**1337.07 ENFORCEMENT AND APPLICATION.**

The City Department responsible for the enforcement and application of this Code shall be the Building Department. The City Official in charge and given the authority to enforce said Code shall be the Building Inspector/Commissioner.

- (a) **Authority.** The Building Inspector/Commissioner shall have authority as necessary in the interest of public health, safety and general welfare, for the enforcement and application of this Code; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.
- (b) **Inspections.** The Building Inspector/Commissioner shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Inspector/Commissioner is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (c) **Right of Entry.** The Building Inspector/Commissioner is authorized to enter exterior property at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Building Inspector/Commissioner is authorized to pursue recourse as provided by law.
- (d) **Identification.** The Building Inspector/Commissioner shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.
- (e) **Notices and Orders.** The Building Inspector/Commissioner shall issue all necessary notices or orders to ensure compliance with this Code.
- (f) **Department Records.** The Building Inspector/Commissioner shall keep official records of all business and activities of the Department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.
- (g) **Liability.**
  - (1) The Building Inspector/Commissioner charged with the enforcement of this Code, while acting for the jurisdiction shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.
  - (2) Any suit instituted against the Building Inspector/Commissioner because of an act performed by said Building Inspector/Commissioner in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.
  - (3) The Building Inspector/Commissioner shall not be liable for costs in an action suit or proceeding that is instituted in pursuance of the provisions of this Code.
- (h) **Fees.** Any and all costs incurred in the enforcement and application of this Code shall be paid out of the City Treasury and the Law Director may institute an appropriate action in the appropriate Court(s) to recover such costs from the owner of the premises.

**1337.08 VIOLATIONS.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

- (a) **Notice of Violation.** The Building Inspector/Commissioner shall serve a *Notice of Violation or Order* in accordance with **Section 1337.09.**
- (b) **Prosecution of Violation.** Any person failing to comply with a *Notice of Violation or Order* served in accordance with **Section 1337.09** shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality and the violation shall be deemed a strict liability offense. If the *Notice of Violation* is not complied with, the Building Inspector/Commissioner shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (c) **Violation Penalties.** Any person, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (d) **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**1337.09 NOTICES, ORDERS AND SERVICE.**

Whenever the Building Inspector/Commissioner determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed herein to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with **Section 1337.11 – Unsafe Structures and Equipment.**

Such notice shall be in accordance with all of the following:

- (a) **Form.**
  - (1) The Notice must be in writing;
  - (2) The Notice shall be sent to the person, firm, or corporation listed by the Lake County Auditor's Office as owner of the property at issue;
  - (3) The Notice must include a description of the property at issue which description is sufficient for identification purposes;
  - (4) The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this Code alleged to have been violated;
  - (5) The Notice must include a description of the corrective action which must be taken to bring the property into compliance with the provisions of this Code;

- (6) The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code;
  - (7) Include a statement of the right to file a lien in accordance with **Section 1337.08(b) – Prosecution of Violation.**
- (b) **Method of Service.** Such notice shall be deemed to be properly serviced if a copy thereof is:
- (1) Delivered personally by the Building Inspector/Commissioner or Police Officer; or
  - (2) Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or
  - (3) Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner’s tax mailing address by the Lake County Auditor; or
  - (4) Sent by certified or first-class mail addressed to the owner of the property at issue at the owner’s last known address;
  - (5) Posted by the Building Inspector/Commissioner in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.
- (c) **Extension of Compliance Deadline.** For good cause shown, the Building Inspector/Commissioner may, at his/her sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Building Inspector/Commissioner shall notify the owner of the property at issue of the extension in the same Form and pursuant to the same Method of Service required by Section 1337.09(a) and Section 1337.09(b) of this Code. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this Code.
- (d) **Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in **Section 1337.08(c) – Violation Penalties.**
- (e) **Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Building Inspector/Commissioner and shall furnish to the Building Inspector/Commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**1337.10 MUNICIPAL COURT PROCEEDINGS.**

- (a) **Referral to Court.** If the person, firm, or corporation issued a Notice of Violation either expressly or implicitly denies the violation charged within fourteen (14) days after service of said Notice, the Fiscal Officer or Building Inspector/Commissioner shall notify the Court's Representative of the denial so that a hearing can be set.
- (b) **Court Hearings.** Court hearings are conducted according to the Rules of Procedure and the Court determines whether the violation is proven by the City beyond a reasonable doubt standard. If the Court determines that the violation has been proven, it may institute the penalties as noted herein.
- (c) **After Determination of Guilt.** Persons, firms, or corporations found to have violated the provisions of this Code charged in the Notice of Violation may be liable and punished as noted herein and all fines assessed by the Court must be paid within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law.

**1337.11 UNSAFE STRUCTURES AND EQUIPMENT.**

- (a) **General.** When a structure or equipment is found by the Building Inspector/Commissioner to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.
  - (1) **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
  - (2) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
  - (3) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Building Inspector/Commissioner finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (b) **Closing of Vacant Structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Building Inspector/Commissioner is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Building Inspector/Commissioner shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (c) **Notice.** Whenever the Building Inspector/Commissioner had condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 1337.09(b)(5) – Methods of Service Orders**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 1337.09(a) – Form**.
- (d) **Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building Inspector/Commissioner shall post on the premises or on defective equipment a placard bearing the word “*Condemned*” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (e) **Placard Removal.** The Building Inspector/Commissioner shall remove the condemnation placarded whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placarded without the approval of the Building Inspector/Commissioner shall be subject to the penalties provided by this Code.
- (f) **Prohibited Occupancy.** Any occupied structure condemned and placarded by the Building Inspector/Commissioner shall be vacated as ordered by the Building Inspector/Commissioner. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

**1337.12 EMERGENCY MEASURES.**

When, in the opinion of the Building Inspector/Commissioner there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Inspector/Commissioner is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Inspector/Commissioner shall cause to be posted at each entrance to such structure a notice reading as follows: “**THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR/COMMISSIONER.**” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**1337.13 ABATEMENT AND OTHER LAWFUL REMEDIES.**

Notwithstanding other provisions of this Code, whenever, in the opinion of the Building Inspector/Commissioner, there is imminent danger due to an unsafe condition, the Building Inspector/Commissioner shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Inspector/Commissioner deems necessary to meet such emergency.

- (a) **Closing Streets.** When necessary for public safety, the Building Inspector/Commissioner shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (b) **Emergency Repairs.** For the purposes of this Section, the Building Inspector/Commissioner shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (c) **Costs of Emergency Repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such cost.

**1337.14 DEMOLITION.**

The Building Inspector/Commissioner shall order the owner of any premises upon which is located any structure, which in the Building Inspector/Commissioner's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

- (a) **Notices and Orders.** All notices and orders shall comply with **Section 1337.09.**
- (b) **Failure to Comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Building Inspector/Commissioner shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (c) **Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**1337.15 EXTERIOR PROPERTY AREAS.**

The provisions of this Section shall govern the minimum conditions and the responsibilities of persons for maintenance of structure, equipment and exterior property.

- (a) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (b) **Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (c) **Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- (d) **Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (e) **Motor Vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.**
- (f) **Rodent Harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (g) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (h) **Sidewalks and Driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

- (i) **Overgrowth.** Where landscaping has been maintained on the premises the exterior property shall be maintained free from weeds or plant growth in excess of nine (9) inches.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a Notice of Violation, they shall be subject to prosecution in accordance with **Section 1337.08(b) - Prosecution of Violation** and as prescribed by the authority having jurisdiction. Upon failure to comply within fourteen (14) days to the Notice of Violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the overgrowth thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (j) **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### **1337.16 SWIMMING POOLS, SPAS AND HOT TUBS.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Private swimming pools for the exclusive use of residents of the premises shall comply with the Supplemental Regulations set forth in **Section 1157.06 – Swimming Pools** and **Section 1133.10(d) – Accessory Use Regulations for Single Family Detached Dwellings.**

#### **1337.17 EXTERIOR STRUCTURE.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

- (a) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (b) **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (c) **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

- (d) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
- (e) **Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (f) **Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (g) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (h) **Overhang Extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (i) **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address number shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). *See Chapter 1345 – Building Numbering*
- (j) **Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paints shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (k) **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- (l) **Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (m) **Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (n) **Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
  - (1) **Glazing.** All glazing materials shall be maintained free from cracks and holes.

**1337.18 RUBBISH AND GARBAGE.**

All exterior property and premises shall be free from any accumulation of rubbish or garbage.

- (a) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (b) **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - (1) **Rubbish Storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish by legal means.
  - (2) **Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- (c) **Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers and removed by legal means.

**1337.19 EXTERMINATION.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- (a) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (b) **Single Occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

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

**Exception:** Where the infestations are caused by defect in the structure, the owner shall be responsible for extermination.

**1337.99 PENALTIES AND FINES.**

(a) Any person, firm entity or corporation including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, 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.

(b) The imposition of any other penalties provided herein shall not preclude the City of Willoughby Hills from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or rules, or regulations, or the orders of the City of Willoughby Hills."

**SECTION 2.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

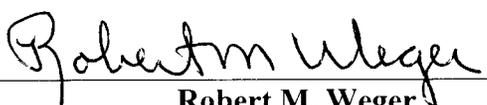
PASSED: May 27, 2010

Submitted to the Mayor for his approval on this 27 day of May, 2010

ATTEST:  
  
 \_\_\_\_\_  
 Victoria Ann Savage, CMC  
 Clerk of Council

  
 \_\_\_\_\_  
 Kevin D. Malecek  
 President of Council

Approved by the Mayor  
May 27, 2010

  
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 Robert M. Weger  
 Mayor