

CODIFIED ORDINANCES OF SHAKER HEIGHTS  
PART FOURTEEN - HOUSING CODE

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CODIFIED ORDINANCES OF SHAKER HEIGHTS

PART FOURTEEN - HOUSING CODE

**CHAPTER 1403  
Purposes and Scope**

<b>1403.01</b>	<b>Short title.</b>	<b>1403.06</b>	<b>Conflict.</b>	<b>1403.07</b>	<b>Severability.</b>
<b>1403.02</b>	<b>General purposes.</b>	<b>1403.08</b>	<b>1403.08</b>	<b>Enforcement</b>	
<b>1403.03</b>	<b>Specific purpose.</b>				
<b>by legal</b>					
<b>1403.04</b>	<b>General scope; hotels</b>		<b>action.</b>		
	<b>excepted.</b>				
<b>1403.05</b>	<b>Existing residential</b>				
	<b>buildings.</b>				

CROSS REFERENCES

Abatement of nuisances - see ADM. Ch. 107; HLTH. 371.01  
 Rules and regulations - see HSG. 1409.08  
 Right of appeal - see HSG. 1409.09

**1403.01 SHORT TITLE.**

The provisions of this Part Fourteen - Housing Code of the Codified Ordinances of Shaker Heights shall be known and may be cited and referred to as "The Housing Code of the City of Shaker Heights" or this "Housing Code".  
 (Ord. 78-74. Enacted 6-26-78.)

**1403.02 GENERAL PURPOSES.**

Within the scope of this Housing Code, as hereinafter defined, the general purposes of this Housing Code are to establish minimum standards necessary to make all dwelling structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to fix responsibilities for owners and occupants of dwelling structures

with respect to sanitation, repair and maintenance; to establish additional standards for multiple dwellings; to authorize the inspection of dwelling structures; to establish enforcement procedures; to authorize the vacation or condemnation of dwelling structures unsafe or unfit for human habitation; and to fix penalties for violations.  
(Ord. 78-74. Enacted 6-26-78.)

#### **1403.03 SPECIFIC PURPOSE.**

This Housing Code was enacted for the exclusive purpose to protect the health and safety of residents of Shaker Heights and to preserve the housing stock in the community. Its provisions and any inspection conducted pursuant thereto are only for the use and benefit of the City, and does not create any duty or obligation to any particular resident, whether as purchaser or seller.

#### **1403.04 GENERAL SCOPE; HOTELS EXCEPTED.**

The provisions of this Housing Code shall be supplementary to all other provisions of City ordinances relating to the construction, use and maintenance of residential buildings and shall apply to all buildings or portions thereof, excepting hotels as defined in Section 1221.24 of the Zoning Code, which are used or designed or intended to be used for residential occupancy.  
(Ord. 78-74. Enacted 6-26-78.)

#### **1403.05 EXISTING RESIDENTIAL BUILDINGS.**

Existing buildings or portions thereof presently used for residential purposes may continue to be occupied for residential purposes if:

- (a) The building complies with the provisions of this Housing Code, except as to any variance heretofore specifically granted by the City; and
- (b) The use and occupancy of the building is not in violation of any provision of City ordinances and applicable State statutes, including any rules and regulations adopted pursuant to such ordinances or statutes.

(Ord. 78-74. Enacted 6-26-78.)

#### **1403.06 CONFLICT.**

In the event of conflict between any provisions of this Housing Code, including any rules and regulations adopted pursuant to this Housing Code, and any provision of City ordinances, including any rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail.

(Ord. 78-74. Enacted 6-26-78.)

#### **1403.07 SEVERABILITY.**

Sections and subsections of this Housing Code and the several parts and provisions thereof are declared to be independent sections, subsections, parts, and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect or render invalid any other such section, subsection, part or provision thereof.

(Ord. 78-74. Enacted 6-26-78.)

**1403.08 ENFORCEMENT BY LEGAL ACTION.**

The imposition of any penalty as provided for in this Housing Code shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, structure or premises, to require compliance with the provisions of this Housing Code or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Director of Housing Inspection, the Mayor, the Board of Building Code Appeals or the Board of Zoning Appeals.  
(Ord. 78-74. Enacted 6-26-78.)





**CHAPTER 1407**  
**Definitions**

<b>1407.01</b>	<b>Definitions generally.</b>	<b>1407.15</b>	<b>Habitable room.</b>
<b>1407.02</b>	<b>Approved.</b>	<b>1407.16</b>	<b>Hotel or motel.</b>
<b>1407.03</b>	<b>Board of Appeals.</b>	<b>1407.17</b>	<b>Kitchen.</b>
<b>1407.04</b>	<b>Basement.</b>	<b>1407.18</b>	<b>Kitchen sink.</b>
<b>1407.05</b>	<b>Director of Housing Inspection.</b>	<b>1407.19</b>	<b>Multiple dwelling.</b>
<b>1407.06</b>	<b>City.</b>	<b>1407.20</b>	<b>Occupant.</b>
<b>1407.07</b>	<b>Code.</b>	<b>1407.21</b>	<b>Operator.</b>
<b>1407.08</b>	<b>Communal kitchen.</b>	<b>1407.22</b>	<b>Owner.</b>
<b>1407.09</b>	<b>Dwelling structure.</b>	<b>1407.23</b>	<b>Person.</b>
<b>1407.10</b>	<b>Dwelling.</b>	<b>1407.24</b>	<b>Premises.</b>
<b>1407.11</b>	<b>Dwelling unit.</b>	<b>1407.25</b>	<b>Secondary or appurtenant structure.</b>
<b>1407.12</b>	<b>Efficiency unit.</b>	<b>1407.26</b>	<b>Supply or supplied.</b>
<b>1407.13</b>	<b>Family.</b>		
<b>1407.14</b>	<b>Habitable floor area.</b>		

**CROSS REFERENCES**

Habitable floor area and room definitions - see HSG. 1411.03(a)  
 Rental unit defined - see HSG. 1413.01(a)  
 Condominium definitions - see HSG. 1417.01

**1407.01 DEFINITIONS GENERALLY.**

Certain words and phrases as used or found in this Housing Code are defined, for the purpose of this Housing Code, as hereafter set forth in this chapter.  
 (Ord. 78-74. Enacted 6-26-78.)

**1407.02 APPROVED.**

"Approved" means approved by the Director of Housing Inspection, pursuant to this Housing Code, or approved by any other person or board designated by City ordinances to give approval to the matter in question.  
 (Ord. 78-74. Enacted 6-26-78.)

**1407.03 BOARD OF APPEALS.**

"Board" and "Board of Housing Code Appeals" mean the "Board of Appeals", as established in Chapter 132 of the Codified Ordinances.  
 (Ord. 05-73. Enacted 5-23-05.)

**1407.04 BASEMENT.**

"Basement" means a portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four (4) feet or less above the average finished grade elevation.  
 (Ord. 78-74. Enacted 6-26-78.)

**1407.05 DIRECTOR OF HOUSING INSPECTION.**

"Director of Housing Inspection" means the Director of Housing Inspection of the City of Shaker Heights and, when used herein, shall be construed as though followed by the words "or his authorized agent or representative".

(Ord. 78-74. Enacted 6-26-78.)

**1407.06 CITY.**

"City" means the City of Shaker Heights, Ohio.

(Ord. 78-74. Enacted 6-26-78.)

**1407.07 CODE.**

"Code" means this Housing Code, as contained in Part Fourteen - Housing Code of the Codified Ordinances of the City of Shaker Heights.

(Ord. 78-74. Enacted 6-26-78.)

**1407.08 COMMUNAL KITCHEN.**

"Communal kitchen" means a kitchen within a dwelling building used by the occupants of more than one (1) dwelling unit or shared by any person other than the members of one (1) family.

(Ord. 78-74. Enacted 6-26-78.)

**1407.09 DWELLING STRUCTURE.**

"Dwelling structure" means a building or structure, or part thereof, used or designed or intended to be used for residential purposes.

(Ord. 78-74. Enacted 6-26-78.)

**1407.10 DWELLING.**

"Dwelling" as defined herein and in Section 1211.02 of the Zoning Code means a building, or portion thereof, designed or used exclusively for residential occupancy; including one-family dwellings, two-family dwellings, multiple-family dwellings, but not including hotels or motels, camp cars, trailers, or any other vehicle on or off wheels. (Ord. 02-93. Enacted 7-22-02.)

**1407.11 DWELLING UNIT.**

"Dwelling unit" as defined herein and in Section 1211.02 of the Zoning Code means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking and eating.

(Ord. 02-93. Enacted 7-22-02.)

**1407.12 EFFICIENCY UNIT.**

"Efficiency unit" means an apartment or condominium unit that is designed or used as both a living room and bedroom with no separate bedroom. (Ord. 02-93. Enacted 7-22-02.)

**1407.13 FAMILY.**

"Family" as defined herein and in Section 1211.02 of the Zoning Code means an individual or two (2) or more persons related by blood, marriage, guardianship, or legal adoption living together as a single housekeeping unit within a dwelling unit, plus no more than two (2) roomers or domestic servants. A family may also consist of not more than three (3) unrelated persons.

(Ord. 02-93. Enacted 7-22-02.)

**1407.14 HABITABLE FLOOR AREA.**

"Habitable floor area" means the gross horizontal area of the habitable rooms of a dwelling unit, which floor area is required to be contained within such dwelling structure in order to meet the minimum standards as found in Section 1411.02. (Ord. 02-93. Enacted 7-22-02.)

**1407.15 HABITABLE ROOM.**

"Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, but excluding the following: kitchens, bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, basement recreation rooms, interior rooms not provided with natural light and ventilation, and special purpose rooms shared by more than one (1) dwelling unit. (Ord. 02-93. Enacted 7-22-02.)

**1407.16 HOTEL OR MOTEL.**

"Hotel or motel" as defined herein and in Section 1211.02 of the Zoning Code means an establishment that is open to transient guests for remuneration and for periods of time not exceeding thirty (30) days, as opposed to a boarding, rooming or lodging house; and that is commonly known as a hotel or motel in the community in which it is located; and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, and use and upkeep of furniture. (Ord. 02-93. Enacted 7-22-02.)

**1407.17 KITCHEN.**

"Kitchen" means a room containing a kitchen sink, a refrigerator and a cooking unit, and having as its primary purpose the preparation of food. (Ord. 02-93. Enacted 7-22-02.)

**1407.18 KITCHEN SINK.**

"Kitchen sink" means a basin that is properly connected to hot and cold water lines, and a drain, that is located in a kitchen, and is designed and used primarily for cleaning food, and washing food preparation and eating utensils. (Ord. 02-93. Enacted 7-22-02.)

**1407.19 MULTIPLE DWELLING.**

(a) "Multiple dwelling" means a building containing the following:

- (1) Three (3) or more dwelling units; or
- (2) Two (2) or more dwelling units above the first or ground floor; or
- (3) One (1) or more dwelling units if the building also contains a use other than a dwelling use or an area designed for such other use.

(b) The words "multiple dwelling" and "apartment house" are synonymous.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.20 OCCUPANT.**

"Occupant" means a person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or a room.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.21 OPERATOR.**

"Operator" means a person who has charge, care or control of a dwelling structure.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.22 OWNER.**

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

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)



**1407.23 PERSON.**

"Person" means any person, firm, partnership, association, corporation, company or organization or association of persons of any kind.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.24 PREMISES.**

"Premises" means a lot, parcel or plot of land, including the buildings or structures thereon.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.25 SECONDARY OR APPURTENANT STRUCTURE.**

"Secondary or appurtenant structure" means a structure, the use of which is incidental or accessory to that of the main building, and which is attached to the main building or located on the same premises therewith.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1407.26 SUPPLY OR SUPPLIED.**

"Supply" or "supplied" means paid for, furnished, provided by or under the control of the owner or operator.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**CHAPTER 1409**  
**Enforcement and Penalty**

<p><b>1409.01</b> Inspection.</p> <p><b>1409.02</b> Right of entry and inspection.</p> <p><b>1409.03</b> Notice of violation; designation of resident agent; mail and posting notice.</p> <p><b>1409.031</b> Notice of minor violation(s). (Repealed)</p> <p><b>1409.04</b> Noncompliance with notice.</p> <p><b>1409.05</b> Cases of emergency.</p>	<p><b>1409.06</b> Placards.</p> <p><b>1409.07</b> Expenses and costs.</p> <p><b>1409.08</b> Rules and regulations.</p> <p><b>1409.09</b> Right of appeal.</p> <p><b>1409.10</b> Permission to enter adjoining premises.</p> <p><b>1409.98</b> Penalty; minor violations. (Repealed)</p> <p><b>1409.99</b> Penalty.</p>
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**CROSS REFERENCES**

Abatement of nuisances - see ADM. Ch. 107; HLTH. 371.01  
 Building Code inspections - see BLDG. Ch. 1307  
 Enforcement by legal action - see HSG. 1403.08

**1409.01 INSPECTION.**

The Director of Housing Inspection is authorized to make or cause to be made inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Housing Code. (Ord. 78-74. Enacted 6-26-78.)

**1409.02 RIGHT OF ENTRY AND INSPECTION.**

(a) The Director of Housing Inspection or any of his assistants may at any reasonable hour, enter any dwelling, multifamily dwelling, building, structure or premises within the City to perform any duty imposed on him by this Housing Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency 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 entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection. (Ord. 72-100. Amended 9-25-72.)

**1409.03 NOTICE OF VIOLATION; DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING NOTICE.**

(a) Whenever the Director of Housing Inspection finds any dwelling, structure or premises, or any improved real estate, or any part thereof, to be in violation of the provisions of this Housing Code, the Director shall give or cause to be given or mailed to the owner, agent or occupant of such structure or premises a written notice stating the violation therein. Such notice shall order the owner, agent or occupant within a stated reasonable time, but not less than ten (10) days, to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice.

(b) If the owner of any improved real estate is not a resident of Cuyahoga County, such owner shall designate and file with the Director of Housing Inspection the name, address and telephone number of an agent who is a resident of Cuyahoga County for the purpose of receiving all notices of inspection, orders, or otherwise from the City of Shaker Heights relative to such improved real estate. Service of notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent by registered mail to 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 Director of Housing Inspection.  
(Ord. 98-37. Enacted 3-23-98.)

**1409.031 NOTICE OF MINOR VIOLATION(S). (REPEALED)**

(EDITOR'S NOTE: Former Section 1409.031 was repealed by Ordinance 02-93, enacted July 22, 2002.)

**1409.04 NONCOMPLIANCE WITH NOTICE.**

(a) Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Director of Housing Inspection or his designated representative, the Director of Housing Inspection 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 such time as shall be stated in such notice, but which shall be not less than ten (10) days, except in cases of emergency, or the Director of Housing Inspection or his designated representative may advise the Director of Law of the circumstances and request the Director of Law to institute an appropriate action at law to compel compliance, or both. Such notice shall be delivered, mailed or posted in the same manner as provided in Section 1409.03.  
(Ord. 79-7. Enacted 1-22-79.)

(b) 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 Director of Housing Inspection, the Director of Housing Inspection 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.

(c) 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 Housing Code, and when such structure or part thereof is determined by the Director of Housing Inspection to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Director of Housing Inspection may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Director of Housing Inspection 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 1409.03.

(d) Any owner of any such property as to which such 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 for longer than one (1) year unless such order of the Director of Housing Inspection has been disclosed and displayed to the prospective purchaser or lessee, or unless such owner has received notice from the Director of Housing Inspection of satisfactory compliance with such order or notice from the Director of Housing Inspection or other duly constituted authority that such order has been withdrawn or cancelled.  
(Ord. 78-74. Enacted 6-26-78.)

#### **1409.05 CASES OF EMERGENCY.**

Whenever, in the opinion of the Director of Housing Inspection, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the structure or premises, or part thereof. Such notice shall be served in the manner provided in Section 1409.03, but shall require immediate compliance.  
(Ord. 78-74. Enacted 6-26-78.)

#### **1409.06 PLACARDS.**

Whenever the Director of Housing Inspection 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 placard without the written permission of the Director of Housing Inspection until the repair or demolition 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.  
(Ord. 78-74. Enacted 6-26-78.)

#### **1409.07 EXPENSES AND COSTS.**

(a) Any expense or cost incurred under the provisions for demolition contained in this Housing Code shall be paid by the owner of the structure or premises.

(b) If expenses and costs of demolition are not paid by the owner of the structure or premises within thirty (30) days after written notice from the City to do so, the expenses and costs may be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.  
(Ord. 78-74. Enacted 6-26-78.)

**1409.08 RULES AND REGULATIONS.**

(a) The Director of Housing Inspection is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Housing Code. Such rules and regulations shall not conflict with nor waive any provisions of this Housing Code or any other ordinance of the City. Such rules and regulations shall be submitted to the Board of Housing Code Appeals for approval and no such rule or regulation shall be adopted without such approval.

(b) Such rules and regulations, upon approval of the Board, shall be on file with the Director of Housing Inspection for public examination, and a copy of such rules and regulations shall be posted on the bulletin board of the main entrance of the Shaker Heights City Hall for at least five (5) days. Such rules and regulations shall have the force and effect of this Housing Code and shall continue in effect until revoked by the Director of Housing Inspection with the approval of the Board, or by action of Council.  
(Ord. 78-74. Enacted 6-26-78.)

**1409.09 RIGHT OF APPEAL.**

The owner, agent or operator of any structure or premises shall have the right to appeal from any order of, or written notice issued by the Director of Housing Inspection, except for those orders or notices issued for a violation of Section 1409.98, within thirty days from the date such notice was given or mailed, or such order was issued, and to appear before the Board of Housing Code Appeals, at a time and place fixed by the Board, to show cause why he should not comply with such notice. Appeals from orders or notices issued for a violation of Sections 1409.05 and 1409.98 shall be made within ten days from the date such notice or order was issued. Such appeals must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. Except in cases of emergency as set forth in Section 1409.05, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board. No fee shall be required for an appeal made under this section.  
(Ord. 98-39. Enacted 3-23-98.)

**1409.10 PERMISSION TO ENTER ADJOINING PREMISES.**

(a) For the purpose of performing repairs, alterations or maintenance on the exterior of any dwelling, building or structure, necessary to effect compliance with the provisions of any Ohio statute, the Ohio Basic Building Code, the City's Building or Housing Codes or any other City ordinance, or any lawful rule adopted or order issued pursuant thereto, a property owner or his agent or employee shall obtain the consent to enter the adjoining premises from the owner, agent or occupant of such premises. If consent is granted, the party requesting permission to enter shall preserve and protect from injury at all times and at his own expense such adjoining structure or premises.

(b) Should consent be denied, the party seeking permission to enter the adjoining premises shall apply in writing to the Director of Housing Inspection who shall conduct the necessary investigation into the matter, and, upon good cause shown, may order the issuance of a permit to enter the adjoining premises. Such order may be appealed to the Board of Housing Code Appeals by the owner, agent or occupant of the adjoining premises, or by the party seeking permission to enter the adjoining premises, if such permission is denied.

(c) Notwithstanding the provisions for appeal specified in Section 1409.09, the procedure for appeal under this section shall be as follows:

- (1) The appeal shall be in writing and submitted to the Board of Housing Code Appeals within five (5) regular business days from the date notice is received that a permit has or has not been issued, which notice shall be given by the Director of Housing Inspection to the party seeking to enter the adjoining premises, and to the owner, agent or occupant of such premises.
- (2) Upon the filing of an appeal, a hearing shall be held before the Board of Housing Code Appeals, at a time and place fixed by the Board.
- (3) Except in cases of emergency as set forth in Section 1409.05, the filing of an appeal shall suspend the issuance of a permit to enter the adjoining premises until the appeal is acted upon by the Board.  
(Ord. 79-135. Enacted 12-17-79.)

**1409.98 PENALTY; MINOR VIOLATIONS. (REPEALED)**

(EDITOR'S NOTE: Former Section 1409.98 was repealed by Ordinance 02-93, enacted July 22, 2002.)

**1409.99 PENALTY.**

The owners, tenants or persons in charge of any building or premises where anything in violation of this Housing Code is placed or exists, and any person who violates or permits any violation of this Housing 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, including failure to comply with a notice issued under Section 1409.04(a), shall for each violation or noncompliance, be deemed guilty of a misdemeanor of the first degree unless otherwise specifically indicated, as in Section 1409.98 and penalized as set forth in Section 101.99 of the Administrative Code of the Codified Ordinances. Each day of violation or failure to comply shall constitute a separate offense. (See Section 101.99 applicable to misdemeanor classifications.)  
(Ord. 95-37. Enacted 3-27-95.)



**CHAPTER 1411**  
**Residential Occupancy Basic Standards**

<p><b>1411.01</b> Leasing for residential occupancy; restrictions.</p> <p><b>1411.02</b> Habitable floor area defined.</p> <p><b>1411.03</b> Habitable rooms below grade; restrictions.</p> <p><b>1411.04</b> Required window area.</p> <p><b>1411.05</b> Required ventilation area.</p> <p><b>1411.06</b> Kitchens, bathrooms and water closet compartments.</p> <p><b>1411.07</b> Required dwelling unit facilities.</p> <p><b>1411.08</b> Communal kitchens.</p> <p><b>1411.09</b> Connection of fixtures, plumbing, plumbing fixtures and water heating facilities.</p> <p><b>1411.10</b> Rubbish and garbage disposal.</p> <p><b>1411.11</b> Heating capacity.</p> <p><b>1411.12</b> Supply of heat.</p> <p><b>1411.13</b> Flue connections required.</p> <p><b>1411.14</b> Prohibited locations of heating equipment.</p> <p><b>1411.15</b> Maintenance of fireplaces.</p> <p><b>1411.16</b> Automatic gas control valves.</p>	<p><b>1411.17</b> Electrical facilities required.</p> <p><b>1411.18</b> Maintenance responsibilities.</p> <p><b>1411.19</b> General maintenance requirements.</p> <p><b>1411.20</b> Maintenance of foundations.</p> <p><b>1411.21</b> Maintenance of roofs, gutters, downspouts and chimneys.</p> <p><b>1411.22</b> Maintenance of exteriors of dwelling structures and secondary or appurtenant structures.</p> <p><b>1411.23</b> Maintenance of interior walls, ceilings and floors.</p> <p><b>1411.24</b> Infestation by pests.</p> <p><b>1411.25</b> Exterior property areas.</p> <p><b>1411.26</b> Secondary or appurtenant structures.</p> <p><b>1411.27</b> Access and egress.</p> <p><b>1411.28</b> Two-family dwelling structures; additional requirements.</p> <p><b>1411.29</b> Prevention of blight and safety hazards.</p> <p><b>1411.30</b> Perimeter railings required.</p>
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**CROSS REFERENCES**

Residential waste regulations - see HLTH. 373.01  
 Odors - see HLTH. 381.03  
 Care of apartment common areas - see HLTH. 381.05  
 Mosquito control - see HLTH. 381.06

**1411.01 LEASING FOR RESIDENTIAL OCCUPANCY; RESTRICTIONS.**

No owner, operator or agent shall rent or lease, or offer for rental or lease, any dwelling unit, dwelling structure or any part thereof, which does not comply with the provisions of this Housing Code.

(Ord. 78-74. Enacted 6-26-78.)



**1411.02 HABITABLE FLOOR AREA DEFINED.**

(a) Every dwelling unit shall contain at least 250 square feet of habitable floor area for the first occupant thereof and at least 150 square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable floor area as required by other provisions of this Housing Code.

(b) Habitable floor area shall include all of the floor area contained in a dwelling unit except:

- (1) The floor area contained in any of the following rooms or areas:
  - A. Kitchens
  - B. Bathrooms
  - C. Toilet rooms
  - D. Laundries
  - E. Pantries
  - F. Dressing rooms
  - G. Storage spaces
  - H. Foyers
  - I. Hallways
  - J. Utility rooms
  - K. Heater rooms
  - L. Boiler rooms
  - M. Basement recreation rooms;
- (2) The floor area contained in a room located on the first floor of a dwelling unit in which any portion of the ceiling height is less than seven (7) feet six (6) inches;
- (3) The floor area contained in a room located on the second or third floor of a dwelling unit in which the ceiling height is not at least seven (7) feet in height in at least two-thirds (2/3) of the room;
- (4) Those portions of the floor area contained in any room on any floor that are less seven (7) feet in width;
- (5) No portion of the habitable floor area on the third floor of a two-family dwelling shall be used to compute compliance with the requirements for minimum habitable floor area for the occupants of a second-floor dwelling unit unless such third floor is part of and contiguous with such dwelling unit and only if they share a common interior doorway, and the occupants of the dwelling unit have exclusive use thereof.

(c) All bathrooms and bedrooms shall have doors that properly close and latch shut to provide privacy to the occupants thereof.

(d) No dwelling unit, apartment or condominium unit or efficiency unit may be occupied by a number of occupants that exceeds the standards set forth in this section, except:

- (1) Occupants who are otherwise in compliance with this section, and who become in violation due to the addition of a new family member, may remain in violation without penalty for a period of six (6) months from the date of addition of the new family member, or until the expiration of a written lease (excluding extensions, options or renewals), whichever is longer.

(e) A decision of the Director of Housing Inspection may be appealed to the Board of Housing Code Appeals as provided by Section 1409.09. (Ord. 02-93. Enacted 7-22-02.)

**1411.03 HABITABLE ROOMS BELOW GRADE; RESTRICTIONS.**

No room which has its floor level below grade shall be occupied as a habitable room unless it shall conform to all of the following standards, in addition to all other requirements of this Housing Code for habitable rooms:

- (a) The room shall have been, prior to the original effective date of this Housing Code (Ordinance 66-4, enacted March 28, 1966), originally designed and constructed for, or legally converted to, use as a habitable room.
- (b) The walls and floor enclosing the room shall be maintained in such condition as to prevent seepage or leakage of water into the habitable space.
- (c) All required openings for light and ventilation shall be located entirely above the adjoining grade.
- (d) The height of the finished ceiling of such room above any point of the adjoining ground level shall be at least fifty percent (50%) of the clear ceiling height of the room.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.04 REQUIRED WINDOW AREA.**

Every habitable room shall be provided with natural light by one (1) or more windows, facing upon an approved open space. The aggregate glass area of such required windows shall be not less than ten percent (10%) of the floor area of the room served by them.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.05 REQUIRED VENTILATION AREA.**

Every habitable room shall be provided with natural ventilation by one (1) or more openable windows. The aggregate openable area of such ventilation openings shall not be less than five percent (5%) of the floor area of the room served by them.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.06 KITCHENS, BATHROOMS AND WATER CLOSET COMPARTMENTS.**

Every kitchen, bathroom and water closet compartment shall be provided with light and ventilation as prescribed for habitable rooms, except that the aggregate glass area in a kitchen shall be not less than six (6) square feet, and in a bathroom or water closet compartment, not less than three (3) square feet. However, where an approved exhaust ventilation system and approved artificial light is installed in such a manner as to be in operation at all times when any such room is occupied, no natural light or ventilation shall be required.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.07 REQUIRED DWELLING UNIT FACILITIES.**

(a) Every dwelling unit shall be provided with not less than the following sanitary facilities contained within a room which shall afford privacy to any occupant thereof:

- (1) A water closet.
- (2) A bathtub or shower.
- (3) A lavatory.

(b) Every dwelling unit shall be provided with one (1) and only one (1) complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities. No such kitchen facilities shall be placed within any water closet compartment or within any bathroom.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.08 COMMUNAL KITCHENS.**

Communal kitchens are prohibited.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.09 CONNECTION OF FIXTURES, PLUMBING, PLUMBING FIXTURES AND WATER HEATING FACILITIES.**

(a) Every dwelling unit shall be supplied with plumbing, plumbing fixtures and water heating facilities that are installed in an approved manner, properly maintained free of leaks and deterioration and properly connected with hot water lines to the fixtures required to be supplied with hot water under this section.

(b) Every dwelling unit shall have an approved supply of running hot water properly connected to all plumbing fixtures normally requiring hot water. Water heating facilities shall be capable of heating water so as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, tub or shower at a temperature of not less than one hundred twenty degrees (120°) Fahrenheit under normal use at all times.

(c) All plumbing fixtures in a dwelling structure shall be supplied with running water from the municipal water supply system.

(d) All sinks, lavatories, tubs and showers shall be supplied with hot and cold running water properly connected to plumbing fixtures.

(e) All plumbing fixtures in a dwelling structure shall be so designed and installed as to prevent contamination of the water supply system.

(f) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer. (Ord. 02-93. Enacted 7-22-02.)

**1411.10 RUBBISH AND GARBAGE DISPOSAL.**

(a) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in approved receptacles or in other approved rubbish disposal facilities.

(b) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and other waste which might provide food for insects and rodents, in a clean and sanitary manner by placing it in approved nonleakable, nonabsorbent, covered garbage storage receptacles or in other approved garbage disposal facilities.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.11 HEATING CAPACITY.**

Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of seventy degrees (70°) Fahrenheit in all habitable rooms, kitchens, bathrooms and water closet compartments when the outdoor temperature is minus five degrees (-5°) Fahrenheit, without forcing the facilities to operate in excess of their design capacity.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.12 SUPPLY OF HEAT.**

The owner, operator or agent in charge of a dwelling structure, who rents or leases any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than seventy degrees (70°) Fahrenheit in all habitable rooms, bathrooms, water closet compartments and kitchens whenever the outside temperature falls below sixty degrees (60°) Fahrenheit. Such inside temperature shall be measured in the approximate center of each room, approximately three (3) feet above the floor. The provisions of this section shall not apply where the failure to meet minimum standards is caused by a general shortage of fuel, negligent or malicious act of the occupant, or any cause beyond the control of the owner or occupant.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.13 FLUE CONNECTIONS REQUIRED.**

(a) Every appliance or piece of equipment burning solid, liquid or gaseous fuel, where permitted, shall be connected to an approved smokepipe and flue. However, any appliance approved for use without such connections is exempted from the requirements of this section.

(b) Gas dryers shall be vented to the exterior of the building. All other dryers shall be vented to the exterior of the dwelling unless manufacturer's instructions stipulate an alternative.

(Ord. 02-93. Enacted 7-22-02.)

**1411.14 PROHIBITED LOCATIONS OF HEATING EQUIPMENT.**

No heating equipment, or appliance depending on room air for combustion, shall be located in any bedroom, bathroom, toilet room, or any room used for sleeping purposes.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.15 MAINTENANCE OF FIREPLACES.**

Fireplaces shall be maintained so as to be free from missing mortar and missing or broken bricks. The fireplace damper shall be maintained so as to operate properly.

(Ord. 02-93. Enacted 7-22-02.)

**1411.16 AUTOMATIC GAS CONTROL VALVES.**

(a) All gas-fired heating equipment, including water heaters, shall be equipped with an approved automatic main gas control valve that will automatically turn off the gas supply in the event of pilot outage, or gas or electric supply failure.

(b) In addition to approved automatic main gas control valves, all gas-fired equipment shall have manually controlled shut-off valves. (Ord. 02-93. Enacted 7-22-02.)

**1411.17 ELECTRICAL FACILITIES REQUIRED.**

Every dwelling structure and secondary or appurtenant structure shall be provided with approved electrical service, outlets, and fixtures, which shall be installed and maintained so as to be free of any potential source of ignition of combustible material or any potential source of electrical hazard. Such facilities shall be approved as being adequate to supply the requirements of lighting, appliances and equipment of the structure concerned.

(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.18 MAINTENANCE RESPONSIBILITIES.**

(a) Owner. The owner of every multiple dwelling or his appointed agent shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(b) Occupant. The occupant of a dwelling unit in any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls.  
(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.19 GENERAL MAINTENANCE REQUIREMENTS.**

(a) All dwelling structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such structure or part or any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a dwelling structure or dwelling unit shall be maintained in good and safe working order.  
(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.20 MAINTENANCE OF FOUNDATIONS.**

(a) All foundations of every dwelling structure shall be maintained structurally sound and in good repair.

(b) All foundations of every dwelling structure shall be maintained in such condition as to prevent seepage or leakage of water into the space enclosed within such foundations.

(c) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

(d) Where parts of dwellings supported on masonry piers require substantial repair or replacement due to sagging, settling or failure of supporting piers, the same shall be replaced with a foundation conforming to Sections 1565.01 through 1565.10 of the Regional Dwelling House Code, as adopted in Chapter 1321 of the Building Code.  
(Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.21 MAINTENANCE OF ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS.**

(a) Each roof of every dwelling structure shall be maintained in a weathertight condition and maintained in good repair so it is free of loose, damaged, deteriorated or missing roofing material. All roof flashing shall be maintained in good repair.

(b) All roofs of every dwelling structure shall be equipped with properly installed and maintained gutters and downspouts. Downspouts shall be connected and sealed to a public storm sewer, except as provided in Section 123.05 of the Administrative Code.

(c) All chimneys shall be properly maintained in plumb condition, free of loose or missing bricks, deteriorated mortar joints and damaged, loose or missing chimney caps.  
(Ord. 02-93. Enacted 7-22-02.)

**1411.22 MAINTENANCE OF EXTERIORS OF DWELLING STRUCTURES AND SECONDARY OR APPURTENANT STRUCTURES.**

(a) All exterior walls of every dwelling structure shall be maintained weathertight so as to resist decay or deterioration from any cause.

(b) Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating or in poor repair shall be repaired or razed.

- (1) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, soffits, posts, sills, trim and their missing members shall be replaced and put in good condition.
- (2) All replacements shall match and conform to original design or be replaced completely.
- (3) All exterior wood or exterior unfinished surfaces shall be sealed and painted, or the surface covered with other approved protective coating or treated to prevent rot and decay, and conform and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces shall be properly protected against the weather, where such are defective or lack weather protection, including lack of paint or surface covering, or have weathered due to lack of proper protective covering.

(c) Any dwelling structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating, or whose exterior surface has weathered with dirt or grime or has been impaired through peeling or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced.

- (1) All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating.
- (2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.
- (3) All new or repaired bare surfaces shall be painted or coated.  
(Ord. 02-93. Enacted 7-22-02.)

**1411.23 MAINTENANCE OF INTERIOR WALLS, CEILINGS AND FLOORS.**

(a) All interior walls, ceilings and floors of every dwelling structure shall be maintained free of holes, large cracks and any loose, damaged or deteriorated material.

(b) The floors of all bathrooms and water closet compartments shall have a cove base at all walls and partitions. Floor surfaces and cove base shall be of nonabsorbent materials with moisture-resistant joints.

(c) Any hanging, damaged, deteriorated or missing interior trim or framing shall be repaired or replaced. (Ord. 02-93. Enacted 7-22-02.)

**1411.24 INFESTATION BY PESTS.**

(a) All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

(b) All firewood shall be stored no less than twelve (12) inches above the ground surface. (Ord. 02-93. Enacted 7-22-02.)

**1411.25 EXTERIOR PROPERTY AREAS.**

(a) Exterior property areas of all premises shall be maintained and kept free of any debris, objects, materials or conditions that create a health, accident or fire hazard, or that constitute a public nuisance, or have a blighting or deteriorating influence on the neighborhood, including, but not limited to, the following:

- (1) Debris, litter and refuse that is not stored in an approved container.
- (2) Nonfunctional motor vehicles or motor vehicles that do not have current automobile registration tags and are not stored in an enclosed structure.
- (3) Dilapidated or unusable furniture, or furniture, appliances or fixtures designed for interior use.
- (4) Clothing, rugs, rags, or other materials hung on lines or other places between the front setback and the street.
- (5) Lawn grass that has been allowed to grow over six (6) inches in height.
- (6) Noxious weeds and/or diseased trees.

(b) Every dwelling entrance shall have the correct street number of such dwelling prominently displayed so that it is clearly visible at all times from the street in front of the property. The numbers shall be Arabic numerals, not script, and they must be at least three (3) inches high and in contrasting colors. Such numbers shall be placed in close proximity to the main front entrance to the dwelling. (Ord. 02-93. Enacted 7-22-02.)

**1411.26 SECONDARY OR APPURTENANT STRUCTURES.**

(a) All garages shall be maintained in good repair consistent with the standards set forth in Section 1411.22, and free from health, safety and fire hazards or shall be removed and replaced as required by law.

(b) All secondary or appurtenant structures shall be maintained in good repair consistent with the standards set forth in Section 1411.22, and free from health, safety or fire hazards or shall be removed from the premises.

(c) All roofs of every secondary or appurtenant structure shall be equipped with gutters and downspouts connected to a public storm sewer.

(d) Where foundations of secondary or appurtenant structures have deteriorated or settled to the point where wall plates or studs are rotting, they shall be replaced with foundations as required for garages under Section 1553.02 of the Regional Dwelling House Code as adopted in Chapter 1321 of the Building Code.

(e) Asphalt garage floors are prohibited. (Ord. 02-93. Enacted 7-22-02.)

**1411.27 ACCESS AND EGRESS.**

Every dwelling unit shall be provided with direct and approved means of access and egress to the outside of the dwelling structure without passing through any part of any other dwelling unit. In multiple dwellings any door which is used in connection with such means of access and egress shall be provided with a lock which can be opened from the inside without the use of a key. (Ord. 78-74. Enacted 6-26-78; Ord. 02-93. Enacted 7-22-02.)

**1411.28 TWO-FAMILY DWELLING STRUCTURES; ADDITIONAL REQUIREMENTS.**

The following shall additionally be required of all two-family dwelling structures:

- (a) Inhabited third-floor areas in two-family dwelling structures shall be equipped with at least one (1) smoke detector installed in a manner and constructed in a fashion approved by the Fire Prevention Bureau of the City of Shaker Heights.
- (b) Inhabited third-floor areas in two-family dwelling structures shall have at least two (2) means of egress to the outside of the dwelling structure, such as a stairwell and a chain ladder securely fastened to the dwelling structure and readily hung outside an operable window in the event of an emergency. All means of egress from such areas shall be subject to the approval of the Fire Prevention Bureau of the City of Shaker Heights.

(Ord. 77-16. Enacted 2-28-77; Ord. 02-93. Enacted 7-22-02.)

**1411.29 PREVENTION OF BLIGHT AND SAFETY HAZARDS.**

In order to (1) prevent hazards to the health, safety and welfare of occupants or the public; (2) avoid a blighting or deteriorating influence on neighboring properties; and (3) to prevent conditions which impair or adversely affect the value of neighboring properties, the owner and/or occupant shall:

- (a) Keep the exterior of all premises and every structure thereon including, but not limited to, walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, windows, doors, and awnings in good repair and all surfaces thereof shall be kept painted or protected with other approved coating or material where necessary. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences and a diminution of property values.
- (b) Keep all yards, courts or lots free from unsightly materials not appropriate to the area and debris which may cause a fire hazard or may act as a breeding place for vermin or insects.
- (c) Keep the interior of all premises and every structure thereon, including electrical wiring, gas, light and plumbing fixtures, walls, stairs, floors, doors and ceilings, in good repair and free of any condition which may cause a fire or safety hazard to the occupants thereof, or to neighboring properties.

(Ord. 93-32. Enacted 5-24-93; Ord 02-93. Enacted 7-22-02.)

**1411.30 PERIMETER RAILINGS REQUIRED.**

(a) Every dwelling which has a means of egress to a porch, deck or roof above the first floor shall be provided with an approved railing at the perimeter of the porch, deck or roof area at least thirty-six inches in height with the balustrade designed to prevent the passage of an object four inches or more in diameter.

(b) The porch railing for single- and two-family dwellings without a railing on the effective date of this section must be replaced on the earlier to occur of:

- (1) A period of six years from January 1, 2001; or
- (2) When the flat roof is replaced.

(c) Single- and two-family dwellings that, pursuant to subsection (b)(1) above, are not required to immediately replace or install perimeter railings must install a keyless locking mechanism at least six feet above the floor on the interior of the door that provides access to the porch. Said keyless locking mechanism must be installed within thirty days of the effective date of this section. (Ord. 00-35. Passed 6-12-00; Ord. 02-93. Enacted 7-22-02.)

**CHAPTER 1412**  
**Landscaping and Yard Maintenance**

- |   |                             |
|---|-----------------------------|
| <b>1412.01 Purpose.</b>                                       | <b>1412.03 Maintenance.</b> |
| <b>1412.02 Landscaping and yard maintenance requirements.</b> |                             |

**CROSS REFERENCES**  
Landscaping and screening - see P. & Z. Ch. 1253

**1412.01 PURPOSE.**

The landscaping and yard maintenance requirements specified in this chapter are intended to protect and preserve the value, appearance, character, health, safety and welfare of the community while preventing the blighting and deteriorating effect caused by dust, debris, and overgrown and dead or dying vegetation. (Ord. 02-93. Enacted 7-22-02.)

**1412.02 LANDSCAPING AND YARD MAINTENANCE REQUIREMENTS.**

The Director of Housing Inspection or the Director's designee shall inspect landscaping and yard maintenance as part of the Housing Inspection Department's housing inspection programs. (Ord. 02-93. Enacted 7-22-02.)

**1412.03 MAINTENANCE.**

(a) The owner, his agent, and/or occupant of the premises shall be responsible for the maintenance and repair of all landscaping materials and barriers, including refuse disposal areas.

(b) Yard Landscaping Materials.

- (1) All yard landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.
- (2) Any plant not in this condition shall be replaced when necessary and in a timely manner.
- (3) Fences, walls and other barriers shall be structurally sound, maintained in good repair, and in a neat, clean and attractive condition.
- (4) All hedges shall be planted and maintained in a good, healthy and neat condition and shall not encroach upon a public sidewalk.
- (5) Lawns shall be maintained in a healthy, neat, and orderly condition and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground. (Ord. 02-93. Enacted 7-22-02.)

1993 Replacement

2006 Replacement

**CHAPTER 1413**  
**Registration and Inspection of Two-Family Dwelling Structures**

<b>1413.01</b>	<b>Certificate of Occupancy.</b>	<b>1413.04</b>	<b>Certificate of Housing Inspection.</b>
<b>1413.02</b>	<b>Two-family dwelling structures with third floor; additional requirements.</b>	<b>1413.05</b>	<b>Forms, rules and regulations; appeals.</b>
<b>1413.03</b>	<b>Frequency and schedule of inspection.</b>	<b>1413.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Right of entry and inspection - see HSG. 1409.01 et seq.

Right of appeal - see HSG. 1409.09

**1413.01 CERTIFICATE OF OCCUPANCY.**

- (a) (1) As used in this Housing Code, "rental unit" means any dwelling unit within a single-family, duplex and two-family dwelling, and the third floor of a two-family dwelling that has been approved by the City for rental or separate occupancy, where either of the following conditions exists:
- A. Consideration in the form of money or other valuable consideration is being paid for occupying such units; or
  - B. A person other than the fee simple owner of the property or his family as defined herein is occupying such unit, whether or not such person is paying consideration.
- (2) The term "rental unit" does not include a room for rent in a hotel as defined in Section 1211.02 of the Zoning Code.
- (3) The term "family" for the purposes of this Chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner's spouse.
- (4) The term "duplex" for the purposes of this Chapter shall mean a structure with two dwelling units located on the same parcel. A structure with two dwelling units, with each one on a different parcel, shall be considered the same as two single-family dwellings.
- (5) The term "single-family dwelling" for the purposes of this Chapter shall include a single-family structure and a condominium unit in a multiple dwelling.



(b) No person shall occupy, and no owner or resident agent shall permit a person to occupy, a rental unit, unless the Director of Housing Inspection has issued a Certificate of Occupancy for such dwelling structure, which certificate has not expired, been revoked or otherwise become null and void.

(c) Every owner or operator of a single-family dwelling that has been a rental unit, as defined in this Section, within the previous twelve months, and every owner or operator of a two-family or duplex dwelling, shall submit an application for Certificate of Occupancy, or an application for an Exemption from the Certificate of Occupancy requirement, including an application to renew a Certificate or an Exemption, no later than December 31 of the year immediately prior to the year for which the application is made.

- (1) Application for a Certificate of Occupancy or an Exemption from the Certificate of Occupancy requirement shall be made for each single-family, duplex or two-family structure by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Director of Housing Inspection. Such information shall include, but need not be limited to, the following, as applicable:
  - A. The name, address and telephone number of the owner of the property;
  - B. The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
  - C. The address of the property and the number of rental units contained within the property;
  - D. The current name, address, business and/or home telephone number, and social security number (optional) of the persons who, since the last application, have been occupying the rental unit, and the address or other identification of the rental unit which they occupied;
  - E. Whenever an address is required herein, a post office box number may not be provided as the sole address;
  - F. The familial relationship, if any, among the persons listed in subsection (c)(1)D. hereof;
  - G. In the case of an approved third-floor rental unit, a statement that no person who occupies the third-floor rental unit stores, cooks or otherwise prepares food in the third-floor rental unit or other common area; that such activities shall not be permitted; and that appliances or equipment which are used for such activities are not being provided or permitted on the premises;
  - H. The name of the head of the household of each rental unit;
  - I. A statement that the information is necessary for tax purposes; and
  - J. Such other information as may be requested on a voluntary basis.
- (2) The Director of Housing Inspection shall issue a Certificate of Occupancy for a structure or premises if found to be in compliance or substantial compliance with the provisions of the Housing Code and all other laws, ordinances, rules and regulations applicable thereto.
- (3) The Certificate of Occupancy shall not be valid beyond December 31 of the calendar year in which it was issued.

- (4) The Director of Housing Inspection may deny an application for a Certificate of Occupancy or revoke a Certificate of Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, or for noncompliance of a structure or its use with the requirements of this Housing Code, or if the owner, agent or person in charge of a structure refuses to comply with any applicable provision of this Housing Code.
- (d)
    - (1) Every application for a Certificate of Occupancy or a renewal thereof shall be accompanied by a nonrefundable fee of fifty dollars (\$50.00). There shall be no charge for the filing of an application for an Exemption from the Certificate of Occupancy requirement if submitted timely.
    - (2) An application is considered complete only when all information required on the form is accurately, legibly and fully provided and when the fee is paid.
    - (3) The fee for an application for either a Certificate of Occupancy or an Exemption from the Certificate of Occupancy requirement submitted after February 1 of the year for which the application is made shall be one hundred dollars (\$100.00). An application is considered submitted only when it is complete as defined in this Section. If no application for a Certificate or Exemption is submitted when required by this Chapter by the end of the calendar year for which the Certificate or Exemption is required, the Director shall charge the owner or operator one hundred dollars (\$100.00).
    - (4) If the owner or operator fails to pay the fee for a Certificate or an Exemption within the calendar year for which the Certificate or Exemption is required to be obtained, the Director of Housing Inspection shall report the delinquency to the Director of Finance, who shall report the same to Council, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the property for which the Certificate or Exemption is required, and cause the assessment to be certified to the County Auditor for collection.  
(Ord. 05-140. Enacted 12-19-05.)

**1413.02 TWO-FAMILY DWELLING STRUCTURES WITH THIRD FLOORS;  
ADDITIONAL REQUIREMENTS.**

- (a) The Director of Housing Inspection shall issue a Certificate of Occupancy for a separate third-floor rental unit within a two-family dwelling structure only when a Certificate of Occupancy has been renewed continuously without expiration or termination since June 1, 1982, and the third floor conforms to the following standards:
  - (1) There is at least one (1) hard-wired smoke detector with battery backup.
  - (2) There is one (1) and only one occupant residing on the third floor.
  - (3) No cooking unit, no refrigeration facilities, and no kitchen sink shall be located on the third floor of a two-family dwelling.
  - (4) Separately inhabited third-floor areas in two-family dwelling structures shall have at least two (2) means of egress to the outside of the dwelling structure, such as a stairwell, and an UL-approved chain ladder not less than twenty-five (25) feet in length, securely fastened to the dwelling structure and readily hung outside an operable window in the event of an emergency.

(b) A non-conforming use of a third-floor area in a two-family dwelling shall be conclusively deemed abandoned upon the failure of the owner or agent of such dwelling to obtain a Certificate of Occupancy as required by Section 1413.01 of this Housing Code for a continuous period of one (1) year, or upon the discontinuation of the use for a period of one (1) year. (Ord. 04-98. Enacted 7-26-04.)

### **1413.03 FREQUENCY AND SCHEDULE OF INSPECTION.**

(a) The Director of Housing Inspection is hereby directed to conduct an inspection of all rental units, as defined in Section 1413.01, in single-family and two-family dwelling structures, except the interior of an owner occupied dwelling unit, at least once every three years according to a schedule established by him. The Director may require an inspection and a Certificate of Housing Inspection as a condition to the issuance of a Certificate of Occupancy pursuant to Section 1413.01. However, no inspection will be required if a Certificate of Housing Inspection has been issued pursuant to Chapter 1415 for the same structure within one year preceding the date the structure would have been inspected under the schedule established by the Director of Housing Inspection. Pursuant to such schedule, the Director shall notify the owner of any rental unit, as defined in Section 1413.01, in single-family and two-family dwelling structures to be inspected, or his agent, that arrangements must be made with the Housing Inspection Department for an inspection appointment within thirty days of such notice. It shall be the duty of the owner or agent, upon consent, to cause the entire structure to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner or agent, or an occupant, refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Director of Housing Inspection or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02. The above required tri-annual inspection of single-family homes may be waived by the Director of Housing Inspection upon the submission of the affidavit of the owner that:

- (1) The rental is temporary, i.e., not for more than three years;
- (2) The owner has moved out of the Cuyahoga County area and intends to return to reside on the property within the designated time; and
- (3) The name, address and telephone number of a resident agent who lives in Cuyahoga County who may be served with a notice of violations and who will be responsible for property maintenance, is provided.

The waiver of the inspection requirement may be revoked by the Director of Housing Inspection should the owner fail to comply with the requirements or should it be apparent that the rental is no longer temporary.

(b) The Director of Housing Inspection is hereby directed to conduct an inspection of the third floor of every two-family dwelling structure which third floor is a nonconforming use under the Zoning Code or Housing Code, at least once every year according to a schedule established by him, where such third floor has been occupied by a roomer at any time during the year prior to the date of inspection. Such inspection will not be required if a Certificate of Housing Inspection has been issued pursuant to Chapter 1415 for the same structure within one (1) year previous to the date the structure would have been inspected under the schedule established by the Director of Housing Inspection, or if the owner or agent indicates in writing to the Director that the third floor has ceased to be occupied by a roomer and that such use has been permanently abandoned. The method of inspection and notice shall be as provided in subsection (a) hereof.

(c) Either the Director of Building or the Director of Housing Inspection is hereby directed to conduct an inspection of each child day care service as provided in Section 1231.02(b)(9) of the Zoning Code. The method of inspection and notice shall be as provided in subsection (a) hereof. The provider of the child day care service shall apply for the inspection no later than sixty (60) days after commencement of the service.  
(Ord. 88-106. Enacted 5-22-89 Ord. 02-92. Enacted 7-22-02.)

#### **1413.04 CERTIFICATE OF HOUSING INSPECTION.**

Upon inspection of the dwelling structure, the Director of Housing Inspection shall issue a Certificate of Housing Inspection. Except in the case of immediate danger to the public health or safety, the Certificate of Housing Inspection shall contain the order of the Director of Housing Inspection for the correction of any code violations noted on the Certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the Certificate, unless for good cause shown, the Director has extended the time for such completion.  
(Ord. 66-4. Enacted 3-28-66; Ord. 77-15. Amended 2-28-77; Ord 02-93. Enacted 7-22-02.)

#### **1413.05 FORMS, RULES AND REGULATIONS; APPEALS.**

The Director of Housing Inspection is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Director of Housing Inspection are provided for in Section 1409.09.  
(Ord. 66-4. Enacted 3-28-66; Ord. 77-15. Amended 2-28-77; Ord. 02-93. Enacted 7-22-02.)

#### **1413.99 PENALTY.**

Any person who fails to comply with any provision of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99 of the Administrative Code.  
(Ord. 88-106. Enacted 5-22-89.)



**CHAPTER 1415**  
**Certificate of Inspection at Time of Sale**

<b>1415.01</b> Certificate of inspection required. <b>1415.02</b> Application for inspection. <b>1415.03</b> Orders for correction. <b>1415.04</b> Fees. <b>1415.05</b> Certificate of inspection or compliance; escrow; appeal.	<b>1415.06</b> Warranty of compliance. <b>1415.07</b> Forms; rules and regulations; appeals. <b>1415.08</b> Escrow agent obligations. <b>1415.99</b> Penalty.
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**CROSS REFERENCES**

Right of appeal - see ZON. 1281.07; BLDG. 1311.08; HSG. 1409.09

Right of entry and inspection - see HSG. 1409.01 et seq.

**1415.01 CERTIFICATE OF INSPECTION REQUIRED.**

(a) The owner of improved real estate used or intended to be used for residential purposes shall obtain a certificate of inspection prior to selling, transferring, or conveying an interest or entering into an agreement to sell, transfer or otherwise convey an interest in such property.

(b) No owner of real estate described in subsection (a) above shall sell, transfer or otherwise convey an interest or enter into an agreement to sell, transfer or otherwise convey an interest in such property without first presenting the prospective purchaser or grantee with a copy of a certificate of inspection or a copy of a certificate of compliance issued by the Director of Housing Inspection within one year prior to the agreement.

(c) In the event the real estate described in subsection (a) above is sold at Sheriff's sale or other court-ordered auction, and no certificate of compliance has been issued within one year prior to such sale, the purchaser shall apply in writing to the Director within thirty days after the date of sale for an inspection of the property. The method of application and inspection shall be as set forth in Section 1415.02.

(d) This chapter shall not apply to the individual transfer of property through inheritance or gift where no bona fide sale is intended, or to the sale, transfer, conveyance or purchase of City-owned or privately-owned residential real estate when the purchaser is an entity that has an agreement with the City under a City program to provide support for the purchase or the purchase and rehabilitation of such real estate.

(e) This chapter, and all references in this chapter, to the sale, transfer, conveyance or purchase of residential real estate, shall apply to the sale, transfer, or conveying of all or a part of a business, partnership, corporation, limited liability corporation, or other legal entity that owns a property otherwise covered under this chapter to a different individual or individuals, or to a different entity or entities, such that the actual ownership, operation or control of a property is transferred, whether or not a property is managed or owned, in whole or in part, by the same person or persons, or entity. (Ord. 04-99. Enacted 7-26-04.)

#### **1415.02 APPLICATION FOR INSPECTION.**

(a) Application for the certificate of inspection required by this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Director of Housing Inspection.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the Housing Inspection Department.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director may make such inspection after first obtaining a search warrant as provided in Section 1409.02. (Ord. 00-126. Enacted 10-16-00.)

#### **1415.03 ORDERS FOR CORRECTION.**

(a) Except in the case of immediate danger to the public health or safety, the Certificate of Housing Inspection shall contain the order of the Director of Housing Inspection for the correction of any Code violations noted on the certificate, which shall be corrected by the owner of the property within ninety days of the issuance of the certificate, unless, for good cause shown, the Director of Housing Inspection has extended the time for such completion.

(b) As to property purchased at a Sheriff's sale, or other court-ordered auction, if violations noted in the certificate of inspection have not been corrected within ninety days as set forth in subsection (a) hereof, the Director of Housing Inspection may extend such time for completion, but shall require a performance bond or equivalent financial guarantee in form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure the correction of such violations. (Ord. 00-126. Enacted 10-16-00.)

#### **1415.04 FEES.**

(a) The fee charged for the certificate of inspection shall be one hundred dollars (\$100.00) for the first dwelling unit and an additional twenty-five dollars (\$25.00) for each additional unit in any structure.

(b) A reinspection fee of twenty-five dollars (\$25.00) shall be charged for each reinspection requested by the owner or his/her agent after the first two requested reinspections, to be paid by the owner of the property at the time of the issuance of the certificate of compliance or a transfer release.

(c) An administrative fee of fifty dollars (\$50.00) shall be charged in advance to the party establishing the escrow pursuant to Section 1415.05 when the Director establishes the amount of escrow, as permitted by Section 1415.05. (Ord. 05-140. Enacted 12-19-05.)

**1415.05 CERTIFICATE OF INSPECTION OR COMPLIANCE; ESCROW;  
APPEAL.**

(a) No person, agent, firm or corporation shall sell, transfer title or convey an interest in improved residential real estate without first providing the purchaser with a current certificate of inspection or a certificate of compliance.

(b) The seller shall deposit in escrow a statement signed by the purchaser acknowledging receipt of the certificate of inspection or certificate of compliance, and such statement shall list thereon the date the certificate was given to the purchaser.

(c) A copy of the purchaser's signed acknowledgment form, described in subsection (b) hereof, shall be provided to the Housing Inspection Department as a condition of transfer of title.

(d) Except as otherwise provided in subsection (f) hereof, if all violations listed on the certificate of inspection are not corrected prior to transfer of title, an escrow account shall be established and funds, in an amount not less than one hundred dollars (\$100.00) and equal to one hundred fifty percent (150%) of the estimated cost of repairs, shall be deposited therein to pay for the cost to correct all remaining violations. The amount to be held in escrow shall be determined by procuring a written estimate from one company currently registered under Chapter 547 of the Codified Ordinances of the City of Shaker Heights (hereinafter referred to as a "qualified company"). Said estimate shall be in good faith and shall reflect current market rates for labor and materials. The cost of repairs shall be itemized, to the extent practicable, in a manner that relates to the point-of-sale violation list. The Director of Housing Inspection, or his designee, shall determine whether the estimate complies with the requirements of this section and may reject an estimate that fails to reasonably reflect the fair market cost of repairs. If the Director of Housing Inspection rejects an estimate as provided herein, the party submitting the estimate may provide the Director a new estimate that complies with the requirements of this section. If the Director rejects a second estimate, the Director shall send a written notice of such rejection to the party establishing the escrow. If the party establishing the escrow (seller or purchaser) can demonstrate to the Director of Housing Inspection that after a good faith effort he/she is unable to obtain a written estimate from a qualified company, or if the party establishing the escrow makes a request to the Director, the Director may establish the amount of the escrow upon the payment by such party of the fee set forth in Section 1415.04. The party establishing the escrow may appeal the decision of the Director to reject a second estimate of the cost of repairs, or the amount of the escrow if it is established by the Director, to the Board of Appeals within thirty (30) days from the date of Director's written decision or estimate. Either a seller or purchaser, with the approval of the seller, may submit an appeal to the Board of Appeals requesting a variance from the escrow requirements. In any such appeal, the appellant must demonstrate that:

- (1) Special circumstances exist necessitating a variance from the requirements in order to make the sale and repair of the property financially practicable,
- (2) The purchaser has the financial capability to repair the property in a reasonable period of time in order to bring it into compliance with the Housing Code; and
- (3) A variance is in the best interests of the City and its residents.

(e) Funds shall be disbursed only upon written authorization from the Director or his/her designee. Authorization to release funds held in escrow pursuant to this subsection shall be granted in accordance with subsections (e)(1) through (5) upon the determination by the Director of Housing Inspection that substantial progress has been made in correcting the violations and that sufficient funds will remain in escrow to correct all remaining violations.

- (1) If the funds held in escrow are less than five thousand dollars (\$5,000), no funds held in escrow shall be released until all violations are corrected.
- (2) If the funds held in escrow exceed five thousand dollars (\$5,000) but are less than twenty thousand dollars (\$20,000), the Director or his/her designee may authorize one partial release of funds from escrow.
- (3) If the funds held in escrow are equal to or exceed twenty thousand dollars (\$20,000) but are less than forty thousand dollars (\$40,000), the Director or his/her designee may authorize two partial releases of funds from escrow.
- (4) If the funds held in escrow are equal to or exceed forty thousand dollars (\$40,000) but are less than sixty thousand dollars (\$60,000), the Director or his/her designee may authorize three partial releases of funds from escrow.
- (5) If the funds held in escrow are equal to or exceed sixty thousand dollars (\$60,000), the Director or his/her designee may authorize four partial releases of funds from escrow.

(f) In the event an escrow account is established under FHA 203(K) purchase-rehabilitation loan program, and the Director of Housing Inspection is provided written evidence thereof, then the requirements of subsections (d) and (e) of this Section 1415.05 shall be waived.

(g) In the event the purchaser or grantee of residential real estate, in a transaction covered by this chapter, intends to demolish the structure or structures covered by a certificate of inspection, the requirements of subsections (d) and (e) of this Section 1415.05 shall be waived if the purchaser or grantee provides the City a performance bond or equivalent financial guarantee in a form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure that either the structure or structures are demolished or the violations listed on the certificate of inspection are corrected.

(h) No escrow or bond shall be required if the City is the purchaser or grantee of the property, whether the property is intended to be repaired or demolished.  
(Ord. 05-140. Enacted 12-19-05.)

#### **1415.06 WARRANTY OF COMPLIANCE.**

In every sale of realty to which this chapter applies, the seller of the property shall warrant, or be presumed to have warranted, that the structures and premises are in compliance with the Building Code, the Housing Code, the Zoning Code and other applicable ordinances of the City at the time of the contract of sale, unless the seller has obtained and presented to the buyer a certificate of inspection or a copy of a certificate of compliance as provided for herein, or unless the buyer has actual knowledge of the deficiencies or violations in the structures at the time of the contract of sale.  
(Ord. 00-126. Enacted 10-16-00.)

**1415.07 FORMS, RULES AND REGULATIONS; APPEALS.**

The Director of Housing Inspection is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Director are provided for in Codified Ordinances Sections 1213.02 of the Zoning Code, Section 1311.08 of the Building Code and Section 1409.09 of the Housing Code.

(Ord. 00-126. Enacted 10-16-00.)

**1415.08 ESCROW AGENT OBLIGATIONS.**

No person, firm or corporation acting in the capacity of an escrow agent in any real estate transaction, shall transfer title, file any instrument to transfer title, or disburse funds from any sale unless the provisions of this chapter have been satisfied, including but not limited to the specific provisions of Section 1415.05.

(Ord. 00-126. Enacted 10-16-00.)

**1415.99 PENALTY.**

Any person violating any provision of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99 of the Administrative Code.

(Ord. 00-126. Enacted 10-16-00.)



**CHAPTER 1417  
Condominiums**

<b>1417.01</b>	<b>Definitions.</b>	<b>1417.10</b>	<b>Duties of escrow agent.</b>
<b>1417.02</b>	<b>Option and notice required.</b>	<b>1417.11</b>	<b>Warranty of compliance.</b>
<b>1417.03</b>	<b>Cancellation of contract.</b>	<b>1417.12</b>	<b>Right of entry by unit owners association.</b>
<b>1417.04</b>	<b>Certificate of Inspection and Compliance.</b>	<b>1417.13</b>	<b>Forms, rules and regulations; appeals.</b>
<b>1417.05</b>	<b>Application for inspection by developer.</b>	<b>1417.14</b>	<b>Exceptions.</b>
<b>1417.06</b>	<b>Application for inspection by owner other than developer.</b>	<b>1417.15</b>	<b>Remedies.</b>
<b>1417.07</b>	<b>Consent to inspection.</b>	<b>1417.16</b>	<b>Severability.</b>
<b>1417.08</b>	<b>Waiver of inspection fee.</b>	<b>1417.99</b>	<b>Penalty.</b>
<b>1417.09</b>	<b>Orders for correction.</b>		

**CROSS REFERENCES**

Home construction or purchase contracts; rights and procedures -  
see Ohio R.C. 1311.011  
State law provisions - see Ohio R.C. Ch. 5311

**1417.01 DEFINITIONS.**

For the purposes of this chapter, the following terms are defined as follows:

- (a) "Apartment" means a dwelling unit in an apartment building, as defined in Section 1221.04 of the Zoning Code, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not converted into a condominium unit on the effective date of this section.
- (b) "Common areas and facilities" means the land described in the declaration submitted pursuant to the provisions of Ohio R.C. Chapter 5311, and all other areas, facilities, places and structures that are not part of a condominium unit.
- (c) "Condominium development" means a condominium property in which two (2) or more condominium units, together with undivided interests in the common areas and facilities of the property, are offered for sale pursuant to a common promotional plan.

- (d) "Condominium property" means land, all buildings, improvements and structures on the land, all easements, rights and appurtenances belonging to the land, and all articles of personal property, submitted pursuant to the provisions of Ohio R.C. Chapter 5311.
- (e) "Condominium unit" means a part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building which is designated as a unit in the declaration submitted pursuant to the provisions of Ohio R.C. Chapter 5311 and filed and recorded in the office of the Cuyahoga County Recorder.
- (f) "Condominium unit owner" means a person who possesses a fee simple estate or a ninety-nine (99) year leasehold estate, renewable forever, in a condominium unit, together with an appurtenant undivided interest in the common areas and facilities.
- (g) "Conversion condominium development" means a condominium development that was originally operated as an apartment building or buildings prior to the filing of the declaration with the Office of the Cuyahoga County Recorder.
- (h) "Developer" means any person who, directly or indirectly sells or offers for sale, condominium units in a conversion condominium development.
- (i) "Elderly tenant" means a tenant who is age sixty-five (65) or older.
- (j) "Handicapped tenant" means any tenant who has any physiological disorder or condition limiting mobility or who is unable to walk without assistance.
- (k) "Tenant" means any person who occupies or has a leasehold interest in an apartment or a condominium development under a lawful rental agreement whether oral or written, express or implied.
- (l) "Unit owners association" means the organization of all condominium unit owners in a condominium property that administers the condominium property.  
(Ord. 80-81. Enacted 11-24-80.)

#### **1417.02 OPTION AND NOTICE REQUIRED.**

(a) All tenants in a conversion condominium development shall be offered an option in writing, exercisable within not less than one hundred twenty (120) days after notice, to purchase a condominium ownership interest in the development, and after the expiration of such one hundred twenty (120) day period, tenants choosing not to purchase a condominium ownership interest shall be given written notice of not less than one hundred twenty (120) days, and if the tenant is an elderly or handicapped tenant, written notice of not less than one hundred eighty (180) days, prior to being required to vacate the premises to facilitate the conversion. At the time a tenant is offered an option to purchase as provided herein, the developer shall also provide such tenant with a copy of this chapter, or a summary thereof, which the developer may obtain from the Director of Housing Inspection.

(b) A tenant choosing not to purchase a condominium unit may waive his option and notice as provided in subsection (a) hereof, providing the tenant acknowledges in writing that he understands that the developer will, in reliance upon the tenant's waiver and agreement to vacate by a certain date, be entering into a contract to sell to parties other than the tenant and deliver possession of the condominium unit prior to the expiration of the one hundred twenty (120) days or, if the tenant is elderly or handicapped, one hundred eighty (180) days, notice periods. A waiver in a lease shall not be considered a waiver of a tenant's rights to be given an option and notice as provided in subsection (a) hereof.

(c) A tenant whose written lease remains in effect beyond the option and notice periods provided in subsection (b) hereof shall be entitled to remain in the apartment throughout the term set forth in such lease.

(d) This section shall not apply to evictions for purposes other than for the purpose of converting an apartment into a condominium.  
(Ord. 80-81. Enacted 11-24-80.)

#### **1417.03 CANCELLATION OF CONTRACT.**

(a) A purchaser may, at his election, cancel an executed contract between himself and the developer for the purchase of a condominium unit by delivering to the developer or his authorized agent written notice of cancellation at any time within three (3) days following the date the contract is signed by the purchaser.

(b) Upon receipt of a timely cancellation, the developer shall immediately refund any deposit, earnest money or other funds, and the parties shall have no further rights or liabilities under the contract.  
(Ord. 80-81. Enacted 11-24-80.)

#### **1417.04 CERTIFICATE OF INSPECTION AND COMPLIANCE.**

(a) When a condominium unit is being sold by a developer, an inspection of a condominium unit shall be required as herein provided:

- (1) Prior to entering into a sales contract, every developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of a Certificate of Inspection or Certificate of Compliance for the condominium unit to be sold, issued by the Director of Housing Inspection within one (1) year prior to the execution of the contract of sale; and if the buyer is a tenant, a copy of such Certificate of Inspection or Certificate of Compliance shall be delivered to the tenant not less than sixty (60) days prior to the expiration of the option period provided in this chapter; or
- (2) Every developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of a Certificate of Inspection within thirty (30) days subsequent to the execution of the contract of sale, if the developer agrees, in writing, at the time that a contract of sale is executed, to correct all violations noted in the Certificate of Inspection within ninety (90) days from the date of inspection. This ninety (90) day period can only be extended for good cause, as provided in Section 1417.09.

- (b) When a condominium unit is being sold by a developer, an inspection of the common areas of the condominium property shall be required as herein provided:
- (1) Prior to entering into a sales contract, every developer shall obtain from the prospective buyer, a signed acknowledgment of the receipt of a copy of a Certificate of Inspection or Certificate of Compliance for the common areas of the condominium property, issued by the Director of Housing Inspection within one (1) year prior to the filing of the declaration of condominium property with the Cuyahoga County Recorder's office. If a Certificate of Compliance has not been issued by the Director of Housing Inspection within one (1) year prior to the filing of the declaration, then a copy of a Certificate of Compliance shall be delivered to the board of managers of the unit owners association by the developer prior to the date that fifty percent (50%) of the interest in units and common areas has been sold and conveyed by the developer. If a copy of a Certificate of Compliance has not been delivered to the unit owners association as provided herein, then the developer shall file a cash or surety bond with the Director of Housing Inspection, issued to the unit owners association, in the sum of one hundred percent (100%) of the estimated cost of correcting the as yet uncorrected violations noted in the Certificate of Inspection of the common areas which shall be filed prior to the developer selling and conveying more than fifty percent (50%) of the interest in the units and common areas.
  - (2) Prior to entering into a sales contract for a condominium unit sold after three (3) years from the date of the inspection of the common areas as required in subsection (b)(1) hereof the developer shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of the most recent Certificate of Inspection or Certificate of Compliance for the common areas issued by the Director of Housing Inspection, which shall be made available by the Director to the developer upon request.
- (c) When a condominium unit is being sold by an owner other than a developer, a Certificate of Inspection and a Certificate of Compliance shall be required as herein provided:
- (1) Prior to entering into a contract of sale, the owner of a condominium unit shall obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of a Certificate of Inspection for the condominium unit to be sold issued by the Director of Housing Inspection within one (1) year prior to the execution of the contract of sale.

- (2) Prior to entering into a contract of sale, the owner of a condominium unit shall also obtain from the prospective buyer a signed acknowledgment of the receipt of a copy of the most recent Certificate of Inspection or Certificate of Compliance for the common areas issued by the Director of Housing Inspection, which Certificate shall be made available by the Director of Housing Inspection to the owner upon request.  
(Ord. 80-81. Enacted 11-24-80.)

#### **1417.05 APPLICATION FOR INSPECTION BY DEVELOPER.**

(a) The developer or his authorized agent shall apply in writing to the Director of Housing Inspection, requesting an inspection of condominium units or common areas of the condominium property, or both.

(b) The Director of Housing Inspection shall issue a Certificate of Inspection or a Certificate of Compliance, for every condominium unit inspected, within twenty-one (21) days if twenty-five (25) condominium units or less are to be inspected, and within thirty (30) days if more than twenty-five (25) condominium units are to be inspected, and shall issue a Certificate of Inspection or a Certificate of Compliance for the common areas within twenty-one (21) days, after application has been made pursuant to this section, when:

- (1) The developer or his authorized agent has given consent to such inspections, and has agreed to a time during the working hours of the Building Department at which the condominium units or common areas will be available for inspection, and has paid to the Building Department the application fee in the amount of fifty dollars (\$50.00) in the case of an inspection of the common areas, and in the case of an inspection of condominium units, ten dollars (\$10.00) per each condominium unit to be inspected.
- (2) The Director of Housing Inspection has inspected the common areas or condominium units and has noted any conditions found during the inspection which are in violation of any ordinances or regulations of the City of Shaker Heights. (Ord. 80-81. Enacted 11-24-80.)

#### **1417.06 APPLICATION FOR INSPECTION BY OWNER OTHER THAN DEVELOPER.**

(a) The Director of Housing Inspection shall issue a Certificate of Condominium Unit Inspection or Certificate of Compliance within fourteen (14) days after gaining access to the interior of a condominium unit when:

- (1) The condominium unit owner or his authorized agent other than a developer, has applied in writing to the Director of Housing Inspection giving consent to such inspection, and such owner or agent has agreed to a time during the working hours of the Building Department at which the subject property will be available for inspection, and has paid to the Building Department the application fee in the amount of fifty dollars (\$50.00). In addition to the application fee, a reinspection deposit of one hundred dollars (\$100.00) shall also be required at the time the application is filed, from which a fee of twenty-five dollars (\$25.00) will be withdrawn for every re-inspection made after the first two reinspections, with any funds remaining from the deposit being returned to the applicant.
- (2) The Director of Housing Inspection has inspected the condominium unit and has noted any conditions found during the inspection which are in violation of any ordinances or regulations of the City of Shaker Heights.  
(Ord. 93-111. Enacted 7-26-93.)

**1417.07 CONSENT TO INSPECTION.**

If, after application to the Director of Housing Inspection, the party authorized to give consent, or occupant, refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director of Housing Inspection shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.08 WAIVER OF INSPECTION FEE.**

The fee for an inspection conducted pursuant to this chapter shall be waived for all inspections requested by the Cuyahoga County Office of Community Development in conjunction with the Department of Housing and Urban Development Section 312 Rehabilitation Loan Program for the Community Development Block Grant Rehabilitation Loan and Grant Program as administered by Cuyahoga County for the Urban County Participants. Waiver of fees shall be approved by the Director of Housing Inspection only upon the written request of the Cuyahoga County Office of Community Development, which shall stipulate that a financial review has been conducted by the County and the applicant qualified for a loan, grant or combination loan and grant under one (1) of the aforementioned programs.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.09 ORDERS FOR CORRECTION.**

Except in the case of immediate danger to the public peace, health, safety or welfare, the Certificate of Inspection shall contain the order of the Director of Housing Inspection for the correction of any code violations noted on the Certificate, which shall be corrected by the owner, within ninety (90) days of the issuance of the Certificate. For good cause shown, the Director may extend the time for such completion.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.10 DUTIES OF ESCROW AGENT.**

When an escrow has been established in connection with the sale of a condominium unit, the escrow agent shall not transfer title or distribute funds until there has been deposited in escrow an acknowledgment from the buyer of the receipt of a copy of the Certificate of Inspection or a copy of a Certificate of Compliance, where such an acknowledgment is required pursuant to this chapter.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.11 WARRANTY OF COMPLIANCE.**

In addition to any warranties provided in the Ohio Revised Code, in every sale of realty to which this chapter applies, the seller of the condominium unit shall warrant, or be presumed to have warranted, that the condominium unit and common areas of the condominium property are in compliance with the Building Code, the Housing Code, the Zoning Code, and other applicable ordinances of the City of Shaker Heights at the time of the contract of sale, unless the seller has obtained and presented to the buyer a copy of a Certificate of Inspection or a copy of a Certificate of Compliance where required in this chapter or unless the buyer has actual knowledge of the deficiencies or violation in the condominium unit and common areas at the time of the contract of sale, or unless the Director of Housing Inspection, upon application, has failed to make an inspection of the condominium unit or common areas and has failed to issue the appropriate Certificate of Inspection or Certificate of Compliance within the time prescribed in this chapter. (Ord. 80-81. Enacted 11-24-80.)

**1417.12 RIGHT OF ENTRY BY UNIT OWNERS ASSOCIATION.**

The unit owners association shall provide in its by-laws that the association or its authorized agent may enter into any condominium unit at a reasonable time after twenty-four (24) hours' notice, to the extent necessary to correct conditions threatening other units or common areas, and for maintenance, repair, restoration or servicing of any items, things, or areas of or in the condominium property, and for immediate entry in the event of an emergency.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.13 FORMS, RULES AND REGULATIONS; APPEALS.**

The Director of Housing Inspection is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from any decision of the Director of Housing Inspection are provided for in Codified Ordinances Sections 1281.07 of the Zoning Code, 1311.08 of the Building Code and 1409.09.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.14 EXCEPTIONS.**

The provisions of this chapter shall not apply to condominium developments excluded under Ohio Revised Code Section 5311.24(B) and (C), nor to any condominium development other than a conversion condominium development.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.15 REMEDIES.**

No provision of this chapter shall be construed to impair any common law or statutory cause of action or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.16 SEVERABILITY.**

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.  
(Ord. 80-81. Enacted 11-24-80.)

**1417.99 PENALTY.**

Whoever violates Section 1417.09 or 1417.10 of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99 of the Administrative Code of the Codified Ordinances.  
(Ord. 80-81. Enacted 11-24-80.)



**CHAPTER 1419**  
**Government Subsidized Housing**

<b>1419.01</b>	<b>Notice to City.</b>	<b>1419.05</b>	<b>Recommendations by</b>
<b>1419.02</b>	<b>Public hearing.</b>	<b>Planning Commission.</b>	
<b>1419.03</b>	<b>Notice of public hearing.</b>	<b>1419.06</b>	
	<b>Exception.</b>		
<b>1419.04</b>	<b>Failure to give notice</b>	<b>1419.07</b>	<b>Legal action</b>
<b>to compel</b>	<b>to City.</b>	<b>compliance.</b>	

**CROSS REFERENCES**

Housing discrimination - see Ohio R.C. 4112.02(H)

Fair housing - see BUS. REG. Ch. 515

**1419.01 NOTICE TO CITY.**

The owner or lessee of property or his authorized agent, within ten (10) days after filing an application with any government agency for financial assistance with regard to subsidized housing, scattered site housing, rehabilitation housing, or any other government subsidized housing which would restrict occupancy by tenants or prospective tenants on the basis of age, disability or income, or which would provide government assistance to tenants or prospective tenants on the basis of age, disability or income, or which would provide government assistance to tenants or prospective tenants located or to be located in such housing on the basis of age, disability or income, shall give written notice of such application to the Secretary of the City Planning Commission, which notice shall also include a copy of the application.

(Ord. 81-9. Enacted 2-23-81.)

**1419.02 PUBLIC HEARING.**

Within forty-five (45) days from the date of the first regular meeting of the City Planning Commission after receipt of notice pursuant to this chapter, the Commission shall conduct a public hearing for the purpose of gathering information with regard to the application.

(Ord. 81-9. Enacted 2-23-81.)

**1419.03 NOTICE OF PUBLIC HEARING.**

Notice of the place, date, time, and purpose of the public hearing provided in this chapter shall be given by the Secretary of the City Planning Commission by mail, not less than fifteen (15) days prior to the date of the hearing, to the adjacent property owners of the property specified in the application, to the neighborhood association, if any, in whose area the property is located, to the owner of the property or his authorized agent, and to such other associations or property owners, and residents as the Chairman of the City Planning Commission shall specify.  
(Ord. 81-9. Enacted 2-23-81.)

**1419.04 FAILURE TO GIVE NOTICE TO CITY.**

If application by the property owner, or lessee, or his authorized agent is made without such notice to the City, the City Planning Commission shall give notice and conduct a hearing, as provided in this chapter, after it has been notified by the government agency, the Northeast Ohio Area Coordinating Agency, or any other governmental or public entity, that such application has been filed.  
(Ord. 81-9. Enacted 2-23-81.)

**1419.05 RECOMMENDATIONS BY PLANNING COMMISSION.**

The Secretary of the City Planning Commission shall mail a copy of any findings or recommendations made by the City Planning Commission as a result of the public hearing provided in this chapter to any person notified of the public hearing and who was present at such hearing, and to any person who requests a copy of the Commission's findings or recommendations and, in addition, the Secretary shall include information as to the A-95 Agency Review Process and any public hearings to be conducted by other agencies as to the application. A copy of the Commission's findings or recommendations shall also be mailed to any agency reviewing such application under the A-95 Agency Review Process.  
(Ord. 81-9. Enacted 2-23-81.)

**1419.06 EXCEPTION.**

This chapter shall not apply to applications for government subsidies submitted on behalf of individual tenants.  
(Ord. 81-9. Enacted 2-23-81.)

**1419.07 LEGAL ACTION TO COMPEL COMPLIANCE.**

Upon the failure of a property owner or lessee to notify the City Planning Commission as provided in this chapter, the Law Director with the approval of the Chairman of the Commission, may institute any legal action as deemed necessary to compel compliance with this chapter and to protect the interests of the City; provided, however, that violation of this chapter shall not be considered a criminal offense.  
(Ord. 81-9. Enacted 2-23-81.)

**CHAPTER 1421**  
**Registration and Inspection of Multiple-Dwelling Structures**

<p><b>1421.01 Findings and purpose.</b></p> <p><b>1421.02 Definitions.</b></p> <p><b>1421.03 Certificate of Occupancy.</b></p> <p><b>1421.04 Certificate of Occupancy required.</b></p> <p><b>1421.05 Inspection of multiple dwellings.</b></p> <p><b>1421.06 Certificate of Multiple-Dwelling Inspection.</b></p>	<p><b>1421.07 Janitorial service.</b></p> <p><b>1421.08 Forms, rules and regulations; appeals.</b></p> <p><b>1421.09 Compatibility with State law and regulations; severability.</b></p> <p><b>1421.99 Penalty.</b></p>
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**CROSS REFERENCES**

Two-family dwelling structures - see HSG. Ch. 1413

**1421.01 FINDINGS AND PURPOSE.**

It is hereby found and declared that there exist in the City multiple-dwelling structures and apartment houses which are, or may become in the future, substandard with respect to structure, equipment or maintenance; or further, that such conditions including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of such buildings, infestation, existence of fire hazards, unsanitary conditions and overcrowding constitute a menace to the peace, health, safety, welfare and reasonable comfort of the residents of the City. It is further found and declared that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions; and that if the same are not curtailed and removed, such conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate same; and that by reason of timely regulation as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of multiple-dwelling and apartment house uses and neighborhoods enhanced, and the public peace, health, safety and welfare protected and improved.

(Ord. 94-4. Enacted 2-28-94.)

**1421.02 DEFINITIONS.**

(a) As used in this Chapter, the term “multiple dwelling” shall have the same meaning as defined in Section 1407.19 of this Housing Code.

(b) (1) As used in this Chapter, “rental unit” means any dwelling unit within a multiple dwelling, whether the dwelling unit is rented, occupied or vacant.

- (2) The term “rental unit” as used in this Chapter does not include a room for rent in a hotel as defined in Section 1407.16 of the Housing Code, or a condominium unit. A condominium unit shall be considered a single-family dwelling for the purposes of the Certificate of Occupancy requirements of Chapter 1413.

(c) The term “family” for the purposes of this Chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner’s spouse.  
(Ord. 05-140. Enacted 12-19-05.)

#### **1421.03 CERTIFICATE OF OCCUPANCY.**

No person shall occupy, and no owner or resident agent shall permit a person to occupy, a rental unit, unless the Director of Housing Inspection has issued a Certificate of Occupancy for such dwelling structure which certificate has not expired, been revoked or otherwise become null and void. (Ord. 02-93. Enacted 7-22-02.)

#### **1421.04 CERTIFICATE OF OCCUPANCY REQUIRED.**

(a) Application for a Certificate of Occupancy, as required by the provisions of this Chapter, shall be made no later than December 31 of the year immediately prior to the year for which the application is made by supplying necessary information regarding the existing use and occupancy of the rental unit on forms supplied by the Director of Housing Inspection. Such information shall include, but need not be limited to, the following:

- (1) The name, residence or business address and telephone number of the owner of the property;
- (2) The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
- (3) The name, address and telephone number of the building superintendent, janitor or caretaker, or such other person responsible for maintenance of the building and grounds;
- (4) The address of the property and the number of rental units contained within the property;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) The names of those persons living in each rental unit;
- (7) Such other information as may be requested or provided on a voluntary basis, including but not limited to social security numbers to be used for tax purposes.

(b) An application is considered complete only when all information required on the form is accurately, legibly and fully provided and when the fee is paid.

(c) If there are no habitable rental units in a multiple-dwelling structure, then the owner or operator shall apply for an Exemption from the Certificate of Occupancy requirement, no later than December 31 of the year immediately prior to the year for which the application for Exemption is made, on a form provided by the Director of Housing Inspection.

(d) Every application for a Certificate of Occupancy shall be accompanied by a non-refundable fee of thirty-five dollars (\$35.00) per rental unit. There shall be no charge for an application for an Exemption timely filed.

(e) The fee for an application for either a Certificate of Occupancy or an Exemption from the Certificate of Occupancy requirement submitted after March 1 of the year for which the application is made shall be fifty dollars (\$50.00) per rental unit. An application is considered submitted only when it is complete as defined in this Section. If no application for a Certificate or Exemption is submitted when required by this Chapter by the end of the calendar year for which the Certificate or Exemption is required, the Director shall charge the owner or operator fifty dollars (\$50.00) per rental unit.

(f) If the owner or operator fails to pay the fee for a Certificate or an Exemption within the calendar year for which the Certificate or Exemption is required to be obtained, the Director of Housing Inspection shall report the delinquency to the Director of Finance, who shall report the same to Council, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the property for which the Certificate or Exemption is required, and cause the assessment to be certified to the County Auditor for collection.

(g) The owner, agent or person in charge of every multiple-dwelling structure shall cause a Certificate of Occupancy to be posted conspicuously at all times at the main entrance of such structure. The Certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(h) The Director of Housing Inspection may deny an application for a Certificate of Occupancy or revoke a Certificate of Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, or for noncompliance of a structure or its use with the requirements of this Housing Code, or if the owner, agent or person in charge of a structure refuses to comply with any applicable provisions of this Housing Code.  
(Ord. 05-140. Enacted 12-19-05.)

#### **1421.05 INSPECTION OF MULTIPLE DWELLINGS.**

(a) The Director of Housing Inspection is hereby directed to conduct an inspection of the common areas of all multiple dwellings, and all rental units within such multiple dwellings, at least once every three (3) years according to a schedule established by him or her.

(b) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Director of Housing Inspection that a violation of the City's Building, Housing, Health or Fire Codes exists upon the property.

(c) It shall be the duty of the owner or agent, upon consent, to cause the common areas of the structure and individual rental units to be accessible for inspection at the time arranged, which shall be during regular business hours. If the owner or agent refuses to consent to an inspection of the subject property or, in the case of an individual rental unit, the tenant thereof, or if consent is otherwise unobtainable, the Director of Housing Inspection or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02. (Ord. 02-93. Enacted 7-22-02.)

#### **1421.06 CERTIFICATE OF MULTIPLE-DWELLING INSPECTION.**

Upon inspection of the multiple-dwelling structure, the Director of Housing Inspection shall issue a Certificate of Multiple-Dwelling Inspection. Except in the case of immediate danger to the public health or safety, such certificate shall contain the order of the Director for the correction of any code violations noted on the certificate, which shall be corrected by the owner of the property within ninety days of the issuance of the certificate, unless for good cause shown, the Director has extended the time for such completion.

(Ord. 94-4. Enacted 2-28-94; Ord. 02-93. Enacted 7-22-02.)

**1421.07 JANITORIAL SERVICE.**

In the event a superintendent, janitor or caretaker of a multiple dwelling shall not reside in such dwelling, the owner or operator of the dwelling shall make his name, address and telephone number known to all tenants and shall also make available and known to all tenants the name, address and telephone number of an alternative individual who shall be responsible at all times during the absence of such superintendent, janitor or caretaker.  
(Ord. 94-4. Enacted 2-28-94; Ord. 02-93. Enacted 7-22-02.)

**1421.08 FORMS, RULES AND REGULATIONS; APPEALS.**

The Director of Housing Inspection is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Director of Housing Inspection are provided for in Section 1409.09, except where the decision appealed involves a violation or interpretation of the Ohio Building Code, in which instance the rights of appeal shall be as provided under the laws of the State of Ohio. (Ord. 94-4. Enacted 2-28-94; Ord. 02-93. Enacted 7-22-02.)

**1421.09 COMPATIBILITY WITH STATE LAW AND REGULATIONS;  
SEVERABILITY.**

(a) Nothing herein is intended to conflict with any state law or regulation pertaining to multi-family or apartment buildings, including but not limited to provisions of the Ohio Building Code.

(b) If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.  
(Ord. 94-4. Enacted 2-28-94; Ord. 02-93. Enacted 7-22-02.)

**1421.99 PENALTY.**

Whoever fails to comply with provisions of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section 101.99 of the Administrative Code.  
(Ord. 94-4. Enacted 2-28-94.)

