

FIRST READING: 10.11.21
SECOND READING: 10.25.21
THIRD READING: 11.8.21

ORDINANCE NO. 70-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1370 – PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1370.01 ENTITLED “DEFINITIONS”, SECTION 1370.10 ENTITLED “INTERIORS”, SECTION 1370.11 ENTITLED “PESTS”, AND SECTION 1370.13 ENTITLED “EXTERIOR AREAS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend specific sections of Chapter 1370 of our Codified Ordinances regarding the property maintenance code; and

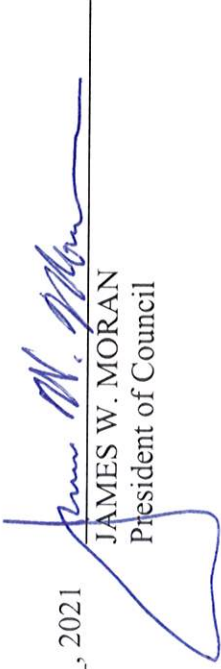
WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Sections 1370.01, 1370.10, 1370.11, and 1370.13 of the Codified Ordinances of the City of Rocky River concerning property maintenance be amended, as further described in the attached Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Sections 1370.01, 1370.10, 1370.11, and 1370.13 of the Codified Ordinances of the City of Rocky River entitled “Definitions”, “Interiors”, “Pests”, and “Exterior Areas”, respectively, be amended as further described in the attached Exhibit “A”.

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

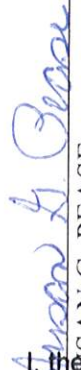
PASSED: November 8th, 2021


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: November 8th, 2021 APPROVED: November 8th, 2021

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 8th day of November, 2021.


Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 70-21 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 8th DAY OF November, 2021 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW, THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 70-21

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 8th DAY OF November, 2021.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

1370.01 DEFINITIONS.

For the purpose of this Code, the following words and phrases shall have the meaning set forth in the following Sections:

(a) "Code" means this Chapter (Property Maintenance Code) as the same may be amended from time to time and the ~~2003~~ **most current** edition of the International Property Maintenance Code as may be amended from time to time.

(Ord. 96-05. Passed 7-25-05; **Ord. 70-21. Passed 11-8-21.**)

(b) "Board" means the Board of Zoning and Building Appeals, acting as the Board of Building Code Appeals.

(c) "Building Official" means the Building Commissioner of the City.

(d) "Dwelling House Code" and "Building Code" and references to Sections thereof, mean respectively, the Residential Code adopted in Chapter 1303 and the Ohio Building Code adopted in Chapter 1301.

(e) "Dwelling", "one-family dwelling", "two-family dwelling" and "dwelling unit" have the meanings assigned to them in Section R202 of the International Residential Code, and "multiple dwelling" has the meaning assigned to it by the Ohio Building Code.

(f) "Commercial" means any use, other than dwelling or multiple dwelling use, to which the Regional Building Code applies.

(g) Whether used with respect to a dwelling or a commercial use, "building" "structure", and "owner" have the meanings assigned to them by the International Residential Code.

(h) "Occupant" means a person having actual possession of a dwelling unit or having actual possession of, or right to possession of a commercial premises of any part thereof.

(i) "Operator" means any person, other than the owner, who has charge, care or control of a multiple dwelling or commercial premises. Any responsibility placed by this Code on an owner or operator shall be deemed to be an individual and joint responsibility.

(j) "Person" means any individual, person or a firm, partnership, association, corporation, company or other organization or association or persons of any kind.

(k) "Driveways" shall include private roadways used in common by owners of private property who use or benefit from same.

1370.10 INTERIORS.

Interiors of all buildings and structures shall be maintained free of unsafe conditions, including large holes, large cracks and loose or deteriorating or deteriorated material. All floors within every bathroom or water closet compartment shall be maintained water resistant.

- (a) **Sleeping rooms – For all Dwellings rooms primarily used for sleeping ,including attic and basement bedrooms shall be equipped with not less than one operable window or exterior door approved for emergency rescue, and which opens directly to the outside of the structure. This means of egress shall be located within the room used for sleeping and conform to the current Residential code of Ohio and/or the Ohio Building Code.**

(Ord. 8-69. Passed 2-24-69; Ord. 70-21. Passed 11-8-21.)

1370.11 PESTS.

Premises shall be maintained free from sources of breeding, harborage and infestation by insects, vermin, rodents or other pests.

~~The occupant of a one-family dwelling, or of a dwelling unit in a two-family or a multiple dwelling or a unit in a multi-unit commercial building whenever such unit is the only one infested, shall be responsible for extermination of pests within the unit occupied, unless infestation is caused by failure of the owner or operator to maintain the structure in a pest-proof condition, in which event such responsibility shall be the owner's and operator's.~~

~~The owner and operator shall be responsible for extermination of pests whenever infestation exists in two (2) or more units in any building or in shared or public areas of any premises.~~

(a) An owner of an occupiable dwelling or property shall take such measures necessary to prevent and control the harborage and free movement of insects, vermin, rodents or other pests within the structure and on the property. Such owner shall be solely responsible for the extermination of insects, vermin, rodents or other pests within the structure and on the property. No owner shall fail to take action to exterminate insects, vermin, rodents or other pests as required herein, or be subject to legal action and penalties provided herein.

(b) In the event that a two-family or multifamily dwelling is infested with or there is a report of infestation with bedbugs, the owner shall make written notification to all contiguous units (including adjacent units on either side, across the hall, or above or below the affected unit) within 48 hours of confirmation of the presence of bedbugs. In addition, where there are confirmed bedbugs in a dwelling unit within a building of more than two dwelling units, the owner, property manager or other agent shall cause all affected units to be treated by a licensed pesticide applicator under Section 921.06 of the Ohio Revised Code or for the affected units to be heat-treated to eliminate the bedbugs.

(c) The occupant of any dwelling structure, if not the owner, shall notify the owner of the structure when the occupant knows of or suspects an infestation of insects, vermin, rodents or other pests within the structure within 48 hours of discovery. The occupant shall grant the owner and the owner's agents or pest control contractor access to every portion of the structure or property necessary for the inspection and extermination of insects, vermin, rodents or other pests within the structure or property. No occupant shall fail to promptly notify an owner or fail to grant the owner or the owner's agents or pest control contractor reasonable access as required herein.

(Ord. 8-69. Passed 2-24-69; Ord. 70-21. Passed 11-8-21.)

1370.13 EXTERIOR AREAS.

There shall not be maintained or permitted to be maintained at or on the exterior areas of any premises (including the lawn, driveways and landscaped areas) any blighting condition which deteriorates or tends to deteriorate or debase the appearance of the neighborhood; or reduces or tends to reduce property values in the neighborhood; or adversely alters or affects the appearance and general character of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance, including but not limited to the following:

- (a) Broken or dilapidated fences, walls or other structures.
- (b) Broken or uneven walks, parking areas or driveways.
- (c) Open storage of out of use or non-usable appliances, machinery, automobiles or automobile parts.
- (d) Open storage of rugs, rags or other materials not being used for general household or housekeeping purposes hung on lines or in other places; broken, dilapidated or unusable furniture or furnishings, plastic materials, paints, miscellaneous coverings, or any other materials, equipment or things.
- (e) Accumulation of waste of any kind, including paper.
- (f) Grass or weeds taller than six (6) inches for developed lots and taller than eight (8) inches for undeveloped lots at such stage as would provide a harboring place for rodents, or as would permit the spread, by wind dispersal of seeds or otherwise, to adjoining properties.
(Ord. 119-03. Passed 7-14-03.)
- (g) Parking or storage of any vehicle on a landscaped area of a property is prohibited.
(Ord. 99-05. Passed 7-25-05.)

(h) Firewood shall only be permitted to be stored in side and rear yards and subject to the following conditions.

1. Firewood must be neatly stacked in rows not to exceed 4'H x 4'w x 8'L (one cord).

Firewood shall be rotated annually so as not to encourage pest infestation

2. Storage shall not exceed 2.5 cords per 1,000 sq. ft. of area to be heated.

3. Firewood must be located no closer than 5' from the rear or side lot lines.

4. Storage of firewood must maintain a minimum distance of 10' from neighboring structures.

(Ord. 70-21. Passed 11-8-21.)