CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 148

By: Mayor Perciak and Mr. Schonhut

AN ORDINANCE AMENDING SECTION 1480.02 OF TITLE EIGHT OF PART FOURTEEN, BUILDING AND HOUSING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Section 1480.02 of Title Eight of Part Fourteen of the Codified Ordinances of the City of Strongsville be and is hereby amended in order that Section 1480.02 shall read in its entirety as follows:

CHAPTER 1480
ICC International Property Maintenance Code

* * *

1480.02 AMENDMENTS AND INSERTIONS.

That the following sections of the International Property Maintenance Code be and are hereby amended and revised as follows:

(a) Section 101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Strongsville hereinafter referred to as "this code."

(b) Section 102.3 Application of other codes: Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the applicable procedures and provisions of the Strongsville Dwelling Code as adopted pursuant to C.O. §1402.02; the Ohio Building Code as adopted pursuant to C.O. §1404.01(a); the International Plumbing Code as adopted pursuant to C.O. §1404.01(c); the National Electric Code as adopted pursuant C.O. §1406.01, the Ohio Fire code as adopted pursuant to C.O. §1601.01; and the Zoning Code set forth in Title Six of Part Twelve of the Codified Ordinances as these Codes currently exist or as they may be later amended. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the other codes set out in this Section 102.3.

(c) Section 103.1 General: The Building Commissioner shall be known as the code official.

(d) Section 103.02 Appointment: The language contained in this section be and is hereby deleted.

(e) Section 103.03 Deputies: In accordance with the prescribed procedures of the City, the City shall have the authority to appoint deputy or assistant code officials, other related technical officers, inspectors, and other employees.

(f) Section 103.04 Liability: The language contained in this section be and is hereby deleted.

(g) Section 103.5 Fees: The language contained in this section be and is hereby deleted.

(h) Section 106.4 Violation penalties: The language contained in this section be and is hereby deleted.

(i) Section 107.5 Penalties: The language contained in this section be and is hereby deleted.

(j) Section 111.1 Establishment of Board of Appeals: ~~There is hereby established the Property Maintenance Board of Appeals.~~ **Any person directly affected by a decision of the code official or a notice or order issued under this Code, shall have the right to appeal to the Board of Zoning Appeals ("Board").** Notwithstanding any provision to the contrary in this Building Code, the ~~Property Maintenance Board of Appeals~~ **Board** is the appellate body for all decisions of the code official made pursuant to the provisions of Chapter 1480.

~~(k) Section 111.2 Membership: The Board of Appeals shall consist of three (3) members who have a background in engineering, architecture, code enforcement, the building industry, the building trades, or related fields. The member can hold no other employment with the City. The Mayor shall appoint all Board members.~~

~~(l) Section 111.2.1 Alternate Members: The Mayor shall appoint two alternate members who shall be called by the Board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.(m) Section 111.2.2 Chairman: The Board shall annually select one of its members to serve as Chairman.~~

~~(n) Section 111.2.3 Disqualification of Member: A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~(o) Section 111.2.4 Secretary: The Mayor shall designate a qualified person to serve as secretary to the Board. The secretary shall file a record of all proceedings in the office of the code official.~~

~~(p) Section 111.2.5 Compensation: Council shall set the compensation of the members of the Board.~~

(~~q~~**k**) Section 111.3 Meetings and Notice: The Board shall meet within thirty (30) days of the filing of a notice of appeal. Notice of a meeting shall be given to all Board members and the appellant not less than seven (7) days before a meeting.

(~~r~~**l**) Section 111.4 Open Meetings and Hearings: All meetings of the Board shall be open to the public. At any hearing before the Board, the appellant and the appellant's representative and witnesses, the code official and the code official's representatives and witnesses, any City official, any person whose interests are affected, and any other person permitted by the Board shall be given an opportunity to be heard. All testimony shall be taken under oath, and the Chairman, Acting Chairman,

or the legal representative of the City shall have the authority to administer the oath. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question. ~~Two members of the Board shall constitute a quorum.~~

(~~s~~**m**) Section 111.4.1 Procedure: The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(~~t~~**n**) Section 111.4.1.1 Application for Appeal: Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board ~~of Appeals~~, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. The notice of appeal, specifying the grounds thereof, must be timely filed with the code official and the Board ~~of Appeals~~ and be accompanied by a filing fee of fifty dollars ($50.00).

(~~u~~**o**) Section 111.4.1.2 Powers of Board of Appeals: The Board ~~of Appeals~~ shall have the power to:

(1) Affirm or reverse, in whole or in part, or modify, any decision of the code official interpreting the provisions of this code.

(2) Vary the application of any provision of this code to any particular case, when, in its opinion, the provisions of this code do not fully apply; or the requirements of this code are adequately satisfied by other means; or the strict application of any requirement of this code would cause an undue hardship and non-enforcement would not be detrimental to the health, safety, or well-being of the occupants or the public in general.

(~~v~~**p**) Section 111.6 Board Decision: The Board shall modify or reverse the decision of the code official only by a concurring vote of not less than two (2) Board members.

(~~w~~**q**) Section 111.6.1 Records and Copies: The decision of the Board shall be recorded. Copies of the decision shall be furnished to the appellant and to the code official.

(~~x~~**r**) Section 111.6.2 Administration: The code official shall take immediate action in accordance with the decision of the Board.

(~~y~~**s**) Section 201.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the Ohio Building Code as adopted in C.O. Chapter 1404, the Strongsville Dwelling Code as adopted in C.O. Chapter 1402, the National Electric Code as adopted in C.O. Chapter 1406, the International Plumbing Code as adopted in C.O. §1404.01(c), and the Zoning Code set forth in Title Six of Part Twelve of the Codified Ordinances, such terms shall have the meanings ascribed to them as in those Codes.

(~~z~~**t**) Section 302.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs

provided; however, this term shall not include cultivated flowers and gardens.

(~~aa~~**u**) Section 303.2 Enclosures and Gates: Gates which are required to be self-closing and self-latching in accordance with the Ohio Building Code as adopted in C.O. Chapter 1404 and the Strongsville Dwelling Code as adopted in C.O. Chapter 1402 shall be maintained such that the gate will positively close and the latch when released from a still position of six (6) inches (152 mm) from the gatepost.

(~~bb~~**v**) Section 304.14 Insect screens: During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(~~cc~~**w**) Section 401.3 Alternate devices: In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Ohio Building Code as adopted in C.O. Chapter 1404 and the Strongsville Dwelling Code as adopted in C.O. Chapter 1402 shall be permitted.

(~~dd~~**x**) Section 505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Plumbing Code and/or the Ohio Building Code.

(~~ee~~**y**) Section 602.2 Residential occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for Strongsville. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(~~ff~~**z**) Section 602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room

temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Ohio Building Code, the Strongsville Dwelling code or other applicable Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(~~gg~~**aa**) Section 602.4 Occupiable work spaces: Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

(1) Processing, storage and operation areas that require cooling or special temperature conditions.

(2) Areas in which persons are primarily engaged in vigorous physical activities.

(~~hh~~**bb**) Section 604.2 Service: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the applicable provisions of the Strongsville Dwelling Code, the Ohio Building Code and/or the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(~~ii~~**cc**) Section 702.2 Aisles: The required width of aisles in accordance with the Ohio Building Code shall be unobstructed.

(~~jj~~**dd**) Section 702.3 Locked doors: All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Ohio Building Code.

(~~kk~~**ee**) Section 702.4 Emergency escape openings: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Ohio Building Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. When such bars, grilles, grates or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

(~~ll~~**ff**) Section 704.2 Smoke Alarms: Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences, and hotel and lodging house guestrooms. Installation shall be in accordance with the Ohio Fire Code.

(~~mm~~**gg**) Chapter 8 Referenced Standards: The language contained in this Chapter be and is hereby deleted.

~~(Ord. 2010-55. Passed 5-3-10.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary for the purposes of updating the Building and Housing Code of the City of Strongsville. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: Thomas P. Perciak
Mayor

Date Passed: July 18, 2016.

Date Approved: July 19, 2016.

	Yea	Nay
Carbone	✓	
Daymut	✓	
DeMio	✓	
Dooner	✓	
Schonhut	✓	
Short	✓	
Southworth	✓	

Attest: Tiffany Meneil.
Assistant Clerk of Council

ORD. No. 2016-148 Amended:
1st Rdg. 07/18/16. Ref:
2nd Rdg. suspended Ref:
3rd Rdg. suspended Ref:

Pub Hrg. Ref:
Adopted: 07/18/16. Defeated: