

CODIFIED ORDINANCES OF GARFIELD HEIGHTS

PART FOURTEEN - HOUSING CODE

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CODIFIED ORDINANCES OF GARFIELD HEIGHTS
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EDITOR'S NOTE: The Garfield Heights Housing Code was adopted by Ordinance 105-1998, passed November 23, 1998. Subsequent amendments to the Housing Code will be indicated by legislative histories placed at the end of the affected sections.

CHAPTER 1403
Purposes and Scope

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CROSS REFERENCES

Construction and interpretation generally - see ADM. Ch. 101

1403.01 SHORT TITLE.

The provisions of this Part Fourteen – Housing Code of the Codified Ordinances of Garfield Heights shall be known and may be cited and referred to as “The Housing Code of the City of Garfield Heights” or this “Housing Code”.

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.

1403.03 SPECIFIC PURPOSE.

This Housing Code was enacted for the exclusive purpose to protect the health and safety of residents of Garfield 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 do 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 1121.20 of the Zoning Code, which are used or designed or intended to be used for residential occupancy.

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.

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.

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.

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 or Building Commissioner 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 Building Commissioner, the Mayor, the Ohio Board of Building Appeals, or the Board of Zoning Appeals.

CHAPTER 1407
Definitions

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1407.10	Dwelling.	1407.22	Supply or supplied.
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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.

1407.02 APPROVED.

“Approved” means approved by the Building Commissioner, 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.

1407.03 BOARD.

“Board” means the Board of Zoning Appeals.

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.

1407.05 BUILDING COMMISSIONER.

“Building Commissioner” means the Building Commissioner of the City of Garfield Heights and, when used herein, shall be construed as though followed by the words “or his authorized agent or representative”.

1407.06 CITY.

“City” means the City of Garfield Heights.

1407.07 CODE.

“Code” means this Housing Code, as contained in Part Fourteen – Housing Code of the Codified Ordinances of the City of Garfield Heights.

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.

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.

1407.10 DWELLING.

"Dwelling" means a single building or part of a larger building intended or designed to be occupied by a family or additional families living independently of each other which is capable of being self-sustaining in providing sanitary, health, and cooking facilities within the designated premises of a self-contained unit.

1407.11 DWELLING UNIT.

“Dwelling unit” means a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of a complete bathroom with toilet, lavatory, and tub or shower facilities, one and only one complete kitchen with approved cooking, refrigeration and sink facilities which are used exclusively by such family and by any authorized persons occupying such dwelling unit with the family where the required facilities for a dwelling are not contiguous.

1407.12 FAMILY.

“Family” means any number of individuals living, sleeping, cooking and eating together on the premises as a single housekeeping unit, provided that such term shall not include any group of individuals in excess of four in number, the majority of whom are not related to one another, either by consanguinity or propinquity.

1407.13 HABITABLE ROOM.

(See Section 1411.03 (a)(5) for definition of “Habitable Room”)

1407.14 HOTEL.

“Hotel” means a building or part thereof operated as a public inn and containing ten or more guest rooms, without provisions for cooking in a guest room.

1407.15 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.

1407.16 OCCUPANT.

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

1407.17 OPERATOR.

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

1407.18 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.

1407.19 PERSON.

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

1407.20 PREMISES.

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

1407.21 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.

1407.22 SUPPLY OR SUPPLIED.

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

CHAPTER 1409
Enforcement and Penalty

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

CROSS REFERENCES
Appeals - see Ohio R.C. Ch. 2506

1409.01 INSPECTION.

The Building Commissioner 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.

1409.02 RIGHT OF ENTRY AND INSPECTION.

(a) The Building Commissioner 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.

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

(a) Whenever the Building Commissioner 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 Commissioner shall give or cause to be given or mailed to the owner, agent, or operator of such structure or premises a written notice stating the violation therein. Such notice shall order the owner, agent or operator 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 Building Commissioner 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 Garfield 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 Building Commissioner.

1409.031 NOTICE OF MINOR VIOLATION(S).

(a) Whenever the Building Commissioner finds any dwelling, structure or premises, or any improved real estate or any part thereof, to be in violation of Section 1409.98(a), the Commissioner may give or cause to be given or delivered or mailed to the owner, agent or operator of such structure or premises a written notice stating the violation(s) therein. Such notice shall order the owner, agent, or operator to repair or improve the structure or premises within a stated reasonable time, but not less than ten (10) days. Delivery may be effected by the Commissioner or his agent leaving said notice at the address of the owner, agent or operator. Such delivery or mailing shall be deemed legal service of notice.

(b) Notwithstanding the provisions of Sections 1409.03 and 1409.04, no notice other than that described in Section 1409.031(a) is necessary prior to the issuance of a citation for violation of Section 1409.98(a).

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 Building Commissioner or his designated representative, the Commissioner or such designated representative may issue a notice to such owner, agent, occupant or operator ordering the structure or premises, or part thereof, to be vacated, repaired or improved within 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 Building Commissioner 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.

(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 Building Commissioner, the Commissioner may enforce the orders of such notice of vacation and cause the structure or premises, or part thereof, to be vacated in accordance with the terms of such notice.

(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 Building Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, the Building Commissioner may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Building Commissioner shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 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 Building Commissioner has been disclosed and displayed to the prospective purchaser or lessee, or unless such owner has received notice from the Building Commissioner of satisfactory compliance with such order or notice from the Building Commissioner or other duly constituted authority that such order has been withdrawn or cancelled.

1409.05 CASES OF EMERGENCY.

Whenever, in the opinion of the Building Commissioner, 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.

1409.06 PLACARDS.

Whenever the Building Commissioner orders a structure or premises, or part thereof, to be vacated, he shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such vacation order. No person shall deface or remove such placard without the written permission of the Building Commissioner until the repair or demolition is completed. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises.

1409.07 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.

1409.08 RULES AND REGULATIONS.

(a) The Building Commissioner 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.

(b) Such rules and regulations shall be on file with the Building Commissioner for public examination. Such rules and regulations shall have the force and effect of this Housing Code and shall continue in effect until revoked by the Building Commissioner or by action of Council.

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 Building Commissioner within thirty (30) days from the date such notice was given or mailed, or such order was issued, and to appear before the Board of Zoning Appeals, at a time and place fixed by the Board, to show cause why he should not comply with such notice. Such appeal 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.

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 rules 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 Building Commissioner 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 Zoning 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 Zoning 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 Building Commissioner 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 Zoning 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.

1409.98 PENALTY; MINOR VIOLATIONS.

(a) The following violations found in Chapter 1411 of the Housing Code shall constitute minor violations of the Code and shall be punishable as described in subsection (b) hereof:

- (1) Debris and/or litter;
- (2) Grass over six(6) inches tall;
- (3) Noxious weeds;
- (4) Diseased trees;
- (5) Insect or rodent harborage;
- (6) Untrimmed plantings and trees;
- (7) Peeling paint as to limited area of structure;
- (8) Broken or missing glass or screens;
- (9) Graffiti;
- (10) Damaged and/or deteriorated downspouts;
- (11) Damaged gutters;
- (12) House numbering required;
- (13) Exterior electric repairs required.

(b) The penalty for a violation of the above-stated offenses shall be classified as a fourth degree misdemeanor and shall constitute a fine of up to two hundred fifty dollars (\$250.00) and a maximum jail sentence of 30 days.

(c) In addition to any other method of enforcement provided in this chapter, the above-stated offenses may be enforced through the issuance of a citation in accord with Rule 4.1 of the Ohio Rules of Criminal Procedure.

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 of 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 501.99 of the General Offenses Code. Each day of violation or failure to comply shall constitute a separate offense.

CHAPTER 1411
Residential Occupancy Basic Standards

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

1411.01 LEASING FOR RESIDENTIAL OCCUPANCY; RESTRICTIONS.

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

1411.02 HABITABLE FLOOR AREA DEFINED.

(See Section 1411.03(a)(4) for definition of habitable floor area.)

1411.03 MAXIMUM OCCUPANCY STANDARDS.

(a) Definitions.

- (1) "Bedroom" means a habitable room designed and used for sleeping purposes, and which has a minimum habitable floor area of eighty (80) square feet.
- (2) "Efficiency unit" means an apartment or condominium unit, which is designed or used as both a living room and bedroom with no separate bedroom.
- (3) "Habitable bedroom floor area" means the sum of the gross horizontal area of each individual bedroom of a dwelling unit, apartment or condominium unit.
- (4) "Habitable floor area" means the sum of the gross horizontal area of the habitable rooms of a dwelling unit, apartment or condominium unit, provided:
 - A. No area of habitable room which is less than seven (7) feet in width shall be included in the habitable floor area; and
 - B. As to habitable rooms on the second and third floors of dwelling units, apartments, or condominium units, only the area with a clear ceiling height of seven (7) feet shall be included in the habitable floor area.
- (5) "Habitable room" means a room or enclosed floor space in a dwelling unit, apartment or condominium unit which is contiguous with the dwelling unit, apartment or condominium unit and exclusively occupied by the family which occupies the dwelling unit, apartment or condominium unit, and intended to be used for living, sleeping or eating purposes, but excluding the following: kitchens (except kitchens where eating space is included in a room also used for kitchen or cooking purposes), 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 and provided:
 - A. A habitable room on the first floor of a dwelling unit, apartment or condominium unit shall have a clear ceiling height of not less than seven (7) feet six inches;
 - B. A room on a second or third floor of a dwelling unit, apartment, or condominium unit shall have a clear ceiling height of seven (7) feet in at least two-thirds (2/3) of the total floor area of the room;
- (6) "Maximum number of occupants" means:
 - A. The greatest number of persons who may occupy a dwelling unit, apartment or condominium unit where each of the following criteria have been met:
 1. The standards set forth in subsection (b) hereof relating to minimum habitable floor area and minimum habitable bedroom floor area are satisfied; and
 2. No more than two persons shall occupy a bedroom; or
 - B. The greatest number of persons who may occupy an efficiency unit where the standards set forth in subsection (b) hereof relating to minimum habitable floor area have been satisfied.

(b) Minimum Habitable Floor Area; Minimum Habitable Bedroom Floor Area. The minimum habitable floor area and the minimum habitable bedroom floor area per occupant of a dwelling unit, apartment or condominium unit shall be as set forth below:

<u>Number Of Occupants</u>	<u>Minimum Habitable Floor Area</u>	<u>Minimum Habitable Bedroom Floor Area</u>
1	250 sq.ft.	80 sq.ft.
2	400 sq.ft.	100 sq.ft.
Each additional	+150 sq.ft.	+50 sq.ft.

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

- (1) Occupants who occupy a dwelling unit, apartment, condominium unit or efficiency unit on the effective date of this section may do so in violation of this Zoning Ordinance without penalty for a period of twelve (12) months beginning with the effective date of this section, or until the expiration of a written lease (excluding extensions, options or renewals), whichever period is longer; and
- (2) Occupants who are otherwise in compliance with this section, and who become in violation of this section because of 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.

(d) A decision of the Building Commissioner may be appealed to the Board of Housing Code Appeals as provided by Section 1409.09.

1411.04 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 originally designed and constructed for, or legally converted to, use as a habitable space.
- (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.

1411.05 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 eight percent (8%) of the floor area of the room served by them. One half of the required area shall be openable.

1411.06 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 four percent (4%) of the floor area of the room served by them.

1411.07 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.

1411.08 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.

1411.09 COMMUNAL KITCHENS.

Communal kitchens are prohibited.

1411.10 CONNECTION OF PLUMBING FIXTURES.

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

(b) Every dwelling unit shall have an approved supply of running hot water properly connected to all plumbing fixtures normally requiring hot water.

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

(d) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer.

1411.11 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.

1411.12 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, 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, a negligent or malicious act of the occupant, or any cause beyond the control of the owner or occupant.

1411.13 FLUE CONNECTIONS REQUIRED.

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.

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.

1411.15 ELECTRICAL FACILITIES REQUIRED.

(a) 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.

(b) Upon Point of Sale Inspection, as required by Section 1313.01, or Rental Property Inspection, as required by Section 1413.02, Ground Fault Circuit Interrupters (GFCIs) shall be installed as required by the National Electric Code in any existing receptacle(s), including, but not limited to: those in bathrooms, kitchens, laundries, unfinished basements, exterior areas of the premises, and garages.
(Ord. 05-2007. Passed 1-22-07.)

1411.16 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 that he occupies and controls.

1411.17 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.

1411.18 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 the dwelling 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 Chapter 4 (Foundations) of the OBOA 1,2, & 3 Family Dwelling Code as adopted in Chapter 1331 of the Building Code.

1411.19 MAINTENANCE OF ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of every dwelling structure shall be maintained weathertight and shall be equipped with gutters and downspouts connected to a public storm sewer.

1411.20 MAINTENANCE OF EXTERIORS OF DWELLING STRUCTURES AND SECONDARY OR APPURTENANT STRUCTURES.

(a) All exterior walls of every dwelling structure shall be maintained weathertight and shall be maintained 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 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 that 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.

1411.21 MAINTENANCE OF INTERIOR WALLS AND FLOORS.

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

1411.22 INFESTATION BY PESTS.

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

1411.23 EXTERIOR PROPERTY AREAS.

Exterior property areas of all premises shall be kept free of any debris, object, material or condition which may create a health, accident or fire hazard, or which is a public nuisance, or which constitutes a blighting or deteriorating influence on the neighborhood. Lawns, landscaping and driveways shall also be maintained so as not to constitute a blighting or deteriorating effect in the neighborhood.

1411.24 SECONDARY OR APPURTENANT STRUCTURES.

(a) All secondary or appurtenant structures such as sheds, barns, garages, etc., shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

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

(c) 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 in Section 1553.02 of the Regional Dwelling House Code.

1411.25 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.

1411.26 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 Garfield 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 Garfield Heights.

1411.27 PREVENTION OF BLIGHT AND SAFETY HAZARDS.

In order to:

- (a) Prevent hazards to the health, safety and welfare of occupants or the public;
- (b) Avoid a blighting or deteriorating influence on neighboring properties; and

- (c) To prevent conditions which impair or adversely affect the value of neighboring properties, the owner and/or occupant shall:
- (1) 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.
 - (2) 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.
 - (3) 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.

CHAPTER 1413
Registration and Inspection of Rental Units

1413.01	Certificate of occupancy.	1413.04	Forms; rules and regulations; appeals.
1413.02	Frequency and schedule of inspection.	1413.05	Conflict.
1413.03	Certificate of housing inspection.	1413.99	Penalty.

1413.01 CERTIFICATE OF OCCUPANCY.

- (a) (1) As used in this Housing Code, “rental unit” means any dwelling unit or rented room within a single-family, duplex and two-family dwelling, and the third floor of a two-family dwelling, where either of the following conditions exists:
- A. Consideration in the form of money or other valuable consideration is being paid for occupying such rental units; or
 - B. A person other than the fee simple owner of the property is occupying such dwelling 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 1121.20 of the Zoning Code.
- (b) No person shall occupy, and no owner or resident agent shall permit a person to occupy, a rental unit, unless the Building Commissioner has issued to the owner or resident agent a Certificate of Occupancy for such rental unit.
- (c) (1) Application for a Certificate of Occupancy shall be made separately for each rental unit 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 Building Commissioner. Such information shall include, but need not be limited to, the following:
- 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 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. The familial relationship, if any, among the persons listed in subsection (c)(1)D.hereof;
 - F. In the case of a 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;
 - G. The name of the head of the household of each rental unit;
 - H. A statement that the information is necessary for tax purposes; and
 - I. Such other information as may be requested on a voluntary basis.
- (2) The Building Commissioner may revoke a Certificate of Occupancy if any false statement appears in the application or if the information contained in the application is inaccurate.
- (d) (1) Every application for a Certificate of Occupancy or a renewal thereof shall be accompanied by an application fee of thirty-five dollars (\$35.00).
- (2) A Certificate of Occupancy shall expire three (3) years from the date of its issuance, or from the date of commencement of occupancy, whichever date is earlier.
- (3) An application for renewal of a Certificate of Occupancy shall be submitted to the Building Commissioner no earlier than thirty (30) days prior to the expiration date of the certificate and no later than the expiration date.

1413.02 FREQUENCY AND SCHEDULE OF INSPECTION.

(a) The Building Commissioner is hereby directed to conduct an inspection of all rental units and all two-family dwelling structures except the interior of an owner occupied dwelling unit at least once every three (3) years according to a schedule established by him. The Commissioner 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 Section 1413.03 for the same structure within one (1) year preceding the date the structure would have been inspected under the schedule established by the Building Commissioner. Pursuant to such schedule the Commissioner shall notify the owner of any rental unit to be inspected, or his agent, that arrangements must be made with the Building Department for an inspection appointment within thirty (30) 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 Building Commissioner or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Section 1409.02.

(b) The Building Commissioner 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 Section 1413.03 for the same structure within one (1) year previous to the date the structure would have been inspected under the schedule established by the Building Commissioner, or if the owner or agent indicates in writing to the Commissioner 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) After more than two (2) such reinspections have been conducted because of violations not being corrected, the third and any subsequent inspection shall be billed at twenty-five dollars (\$25.00) per inspection.
(Ord. 29-2007. Passed 4-23-07.)

1413.03 CERTIFICATE OF HOUSING INSPECTION.

Upon inspection of the dwelling structure, the Building Commissioner 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 Building Commissioner 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 Commissioner has extended the time for such completion.

1413.04 FORMS; RULES AND REGULATIONS; APPEALS.

The Building Commissioner 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 Building Commissioner are provided for in Section 1409.09.

1413.05 CONFLICT.

In the event of a conflict between Part Thirteen - Building Code and Part Fourteen - Housing Code of the Codified Ordinances of the City of Garfield Heights, the more stringent section shall apply.

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 501.99 of the General Offenses Code.