

**AN ORDINANCE ESTABLISHING BCO CHAPTER 1393 TO PROVIDE FOR INSPECTION OF SINGLE FAMILY RESIDENTIAL RENTAL PROPERTIES**

WHEREAS, ownership of single family residential rental property is a business enterprise that entails certain responsibilities, including but not limited to interior and exterior maintenance; and

WHEREAS, given the age of the City's house stock and the fact that historically, single family residential rental properties in the City have not always been well maintained; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City of Beachwood, Council has determined to enact a new Chapter 1393 to provide for inspection of single family residential rental properties located within the City; and

WHEREAS, the City intends to adopt the International Property Maintenance Code, as such Code may be amended or repealed with a new edition from time to time.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: Council hereby adopts new BCO Chapter 1393, which is set forth in the attachment and incorporated herein by reference, effective for all single family dwellings that are used as single family residential rental properties.

Section 2: It is found and determined that all formal acts and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared immediately necessary for the public peace, health, safety, and welfare, and for the further reason that it is necessary to promptly establish and implement policies, procedures, and standards for inspection of single family residential rental properties within the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 19<sup>th</sup> day of October 2009, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 20<sup>th</sup> day of October 2009.

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Clerk

ORDINANCE NO. 2009-

Approval: I have approved this legislation this 20<sup>th</sup> day of October 2009, and filed it with the Clerk.

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Mayor

## CHAPTER 1393

### INSPECTIONS OF SINGLE FAMILY RESIDENTIAL RENTAL PROPERTIES

- 1393.01 Leasing of Residential Occupancy; Restrictions
- 1393.02 Habitable Floor Area Defined
- 1393.03 Habitable Rooms Below Grade; Restrictions
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- 1393.31 Notice of Violation
- 1393.32 Noncompliance with Notice; Remedies; Corrections Required Prior to Sale, Rental, or Lease
- 1393.33 Emergencies; Orders for Immediate Repair or Vacation
- 1393.34 International Property Maintenance Code
- 1393.35 Forms, Rules, and Regulations
- 1393.36 Penalty

**1393.01 LEASING FOR RESIDENTIAL OCCUPANCY; RESTRICTIONS.**

No owner, operator or agent shall rent or lease, or offer for rent or lease, any rental unit, as defined in Chapter 1391, which does not comply with the provisions of this Chapter. For any repairs requiring permits, the owner is responsible for verifying THAT permits have been obtained prior to work beginning.

**1393.02 HABITABLE FLOOR AREA DEFINED.**

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

(b) Habitable floor area shall include all of the floor area contained in a rental 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. Boiler rooms
  - L. Basement recreation rooms
- (2) The floor area contained in a room located on the first floor of a rental 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 rental 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 than seven (7) feet in width;

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

(d) No rental 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) Any person(s) adversely affected by a decision of the Building Commissioner may appeal such decision to the Planning and Zoning Commission.

#### **1393.03 HABITABLE ROOMS BELOW GRADE; RESTRICTIONS.**

No room that has its floor level below grade shall be occupied as a habitable room unless it conforms to all of the following standards, in addition to all other requirements of this Chapter:

(a) The room was, prior to the original effective date of this Chapter, 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.

#### **1393.04 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 such windows.

#### **1393.05 REQUIRED VENTILATION AREA.**

Every habitable room shall be provided with natural ventilation by one (1) or more windows that can easily be opened. 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.

#### **1393.06 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 not be 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 a manner as to be in operation at all times when any such room is occupied, no natural light or ventilation shall be required.

#### **1393.07 REQUIRED DWELLING UNIT FACILITIES.**

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

- (1) A water closet.

- (2) A bathtub or shower
- (3) A lavatory.

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

#### **1393.08 COMMUNAL KITCHENS.**

Communal kitchens are prohibited.

#### **1393.09 CONNECTION OF FIXTURES, PLUMBING, PLUMBING FIXTURES AND WATER HEATING FACILITIES.**

(a) Every rental 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 rental 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 rental unit 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 rental unit shall be so designed and installed as to prevent contamination of the water supply system.

(f) All plumbing fixtures in a rental unit shall be connected to a public sanitary sewer.

#### **1393.10 RUBBISH AND GARBAGE DISPOSAL.**

(a) Every occupant of a rental unit shall dispose of all his/her 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 rental unit shall dispose of all of his/her garbage and other waste that 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. No garbage receptacles shall be stored in front of the Building Line of a rental unit.

#### **1393.11 HEATING CAPACITY.**

Every rental 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 design capacity.

#### **1393.12 SUPPLY OF HEAT.**

The owner, operator, or agent who rents or leases any dwelling unit 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 (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.

#### **1393.13 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.

#### **1393.14 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.

#### **1393.15 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.

#### **1393.16 AUTOMATIC GAS CONTROL VALVES.**

(a) All gas-fired heating equipment, including water heaters, shall be equipped with an approved automatic main gas 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.

#### **1393.17 ELECTRICAL FACILITIES REQUIRED.**

Every rental unit shall be equipped 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.

**1393.18 OWNER MAINTENANCE RESPONSIBILITIES.**

(a) Occupant. The occupant of a rental unit in any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the rental unit, dwelling structure or premises that he/she occupies and controls.

**1393.19 GENERAL MAINTENANCE REQUIREMENTS.**

(a) All rental units 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 rental structure or unit shall be maintained in good and safe working order.

**1393.20 MAINTENANCE OF FOUNDATIONS.**

(a) Foundations shall be maintained structurally sound and in good repair.

(b) Foundations shall be protected against the entrance of rodents and insects.

(c) 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 Ohio Building code (Residential).

**1393.21 MAINTENANCE OF ROOFS, GUTTERS, DOWNSPOUTS AND CHIMNEYS.**

(a) Roofs shall be maintained in a weather tight condition and maintained in good repair and free of loose, damaged, deteriorated or missing roofing material. All roof flashing shall be maintained in good repair.

(b) Roofs shall be equipped with properly installed and maintained gutters and downspouts. Downspouts shall be connected and sealed to a public storm sewer.

(c) Chimneys shall be properly maintained in plumb condition, free of loose or missing bricks, deteriorated mortar joints and damaged, loose or missing chimney caps.

**1393.22 MAINTENANCE OF EXTERIORS OF RENTAL UNITS AND SECONDARY OR APPURTENANT STRUCTURES.**

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

(b) Any rental 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, decayed or decayed walls, doors, windows, porches, floors, steps, ceilings, 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 rental 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.

#### **1393.23 MAINTENANCE OF INTERIOR WALLS, CEILINGS, AND FLOORS.**

(a) All interior walls, ceilings, and floors of every rental structure shall be maintained free of holes, large cracks or 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.

#### **1393.24 INFESTATION BY PESTS.**

(a) All rental units 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.

#### **1393.25 EXTERIOR PROPERTY AREAS.**

(a) Exterior property areas of all rental units 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 eight (8) inches in height.
- (6) Noxious weeds and/or diseased trees.
- (7) Lawn vegetation shall cover entire yard except for paved areas.

(b) Every rental unit 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 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.

#### **1393.26 SECONDARY OR APPURTENANT STRUCTURES.**

(a) Garages shall be maintained in good repair free from health, safety and fire hazards or shall be removed and replaced as required by law.

(b) Secondary or appurtenant structures shall be maintained in good repair free from health, safety or fire hazards or shall be removed from the premises.

(c) Roofs of every secondary or appurtenant structure shall be equipped with gutters and downspouts connected to a public storm sewer or other approved means.

(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 the Ohio Building Code (Residential)

(e) Asphalt garage floors are prohibited.

#### **1393.27 ACCESS AND EGRESS.**

Every rental 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.

#### **1393.28 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 neighborhood properties; and (3) to prevent conditions that impair or adversely affect the value of neighboring properties, the owner and/or occupant shall:

(a) Keep the interior of all rental units 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 that 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 wire, gas, light and plumbing fixtures, walls, stairs, floors, doors and ceilings, in good repair and free of any condition that may cause a fire or safety hazard to the occupants thereof or to neighboring properties.

#### **1393.29 PERIMETER RAILINGS REQUIRED.**

(a) Every rental unit that 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.

#### **1393.30 FREQUENCY AND SCHEDULE OF INSPECTIONS.**

The Building Commissioner is hereby directed to conduct inspections of all rental units at least once every year according to a schedule established by his/her to determine compliance with this Chapter 1393. The Building Commissioner is further directed to conduct such inspections upon any change in occupancy of the rental unit. Pursuant to such schedule, the Building Commissioner shall notify the owner/agent of the rental unit to be inspected that arrangements must be made with the Building Department for an inspection appointment within thirty days of such notice. If the owner/agent or occupant refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his/her designated representative shall not make such inspection without first obtaining a search warrant. If a scheduled inspection is cancelled by the owner/agent or occupant upon less than twenty-four hours notice, a fee of One Hundred Dollars (\$100) shall be charged, which fee must be paid before any re-inspection is scheduled.

#### **1393.31 NOTICE OF VIOLATION.**

(a) Whenever the Building Commissioner finds any rental unit or any part thereof to be in violation of any provision of this Chapter, he/she shall give or cause to be given notice to the owner/agent of such structure or premises a written notice stating the violation therein. Such notice shall order correction of the violation within a stated time. Delivery or mailing shall be deemed legal service of the notice.

(b) If the person to whom a notice of violation is addressed cannot be found within the County after a reasonable and diligent search, then notice shall be sent by registered or certified mail to the last known address of such person and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of the notice.

#### **1393.32 NONCOMPLIANCE WITH NOTICE; REMEDIES; CORRECTIONS REQUIRED PRIOR TO SALE, RENTAL OR LEASE.**

(a) Whenever the owner/agent of a rental unit fails, neglects, or refuses to comply with any notice of the Building Commissioner, the Building Commissioner may

either issue a notice to vacate within such time as is stated in such notice, but which shall not be less than fifteen days, except in cases of emergency, or he/she may advise the Director of Law of the circumstances and request the Director to institute an appropriate action at law to compel compliance, or both.

(b) Whenever the owner/agent of a rental unit fails, neglects, or refuses to comply with a notice to demolish any structure, or a part thereof, or a secondary or appurtenant structure, and when such structure 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, or built without a permit and/or built in violation of any law, 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 or violation.

(c) The owner of any such property to which such an order or notice to repair, improve, remove, demolish or vacate has been issued shall not sell, rent, or lease such property, or enter into an agreement to sell, rent or lease such property, unless all violations cited against such property have been corrected and unless written approval of such corrections has been received by the property owner from the Building Commissioner.

#### **1393.33 EMERGENCIES; ORDERS FOR IMMEDIATE REPAIR OR VACATION.**

Whenever, in the opinion of the Building Commissioner, the condition of a rental unit or premises or part thereof constitutes an immediate hazard to human life or health, he/she shall declare a case of emergency and shall order the immediate repair or vacation, or both, of the structure or premises or part thereof. Such notice shall be served in the manner provided in Section 1339.31, but shall require immediate compliance.

#### **1393.34 International Property Maintenance Code**

The 2009 International Property Maintenance Code, as prepared and published by the International Code Council, Inc., is hereby adopted and incorporated as fully as if set out at length herein for the purpose of establishing rules and regulations for the maintenance of single family dwellings. Any amendments to such Code or any new edition of such Code shall automatically be adopted by reference. From and after the original effective date of this section, the provisions of the International Property Maintenance Code shall regulate the maintenance of single family dwellings, within the corporate limits of the City.

**1393.35 FORMS, RULES, AND REGULATIONS.**

The Building Commissioner is authorized and directed to promulgate such forms, rules, and regulations as are necessary for the efficient administration of this Chapter.

**1393.36 PENALTY**

Any person who fails to comply with any provision of this Chapter is guilty of a misdemeanor of the first degree.

