

CHAPTER 1288 PROHIBITED USES AND PROPERTY CONDITIONS

1288.01 FINDINGS AND PURPOSE:

It is known to the City of Solon that buildings, structures, and properties that become deteriorated or defective with respect to exterior maintenance, including but not limited to structural deterioration, lack of maintenance, unsanitary conditions, visual appearance, and/ or the existence of exterior fire hazards, constitute an immediate threat to the health, safety and welfare and reasonable comfort of the inhabitants of the City and the general public. It is further known that by reason of lack of maintenance and progressive deterioration, the exterior appearance of buildings, structures, and properties have the effect of creating blighting conditions and initiating depressed neighborhood groupings, and that if the same are not curtailed and corrected the conditions are likely to grow and spread and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained.

Therefore, the requirements of this Chapter have been established in order to protect and advance the health, safety, welfare, property values, convenience, and comfort of the inhabitants of the City of Solon and the general public through the elimination and prevention of incipient blighting conditions through the enforcement of minimum standards governing the maintenance, appearance, and exterior condition of all premises throughout the City.

1288.02 PROHIBITION OF SPECIFIC PROPERTY CONDITIONS:

To protect and advance the health, safety, and welfare of the residents of the City of Solon and the general public, the following exterior property and structure conditions shall be prohibited in all zoning districts:

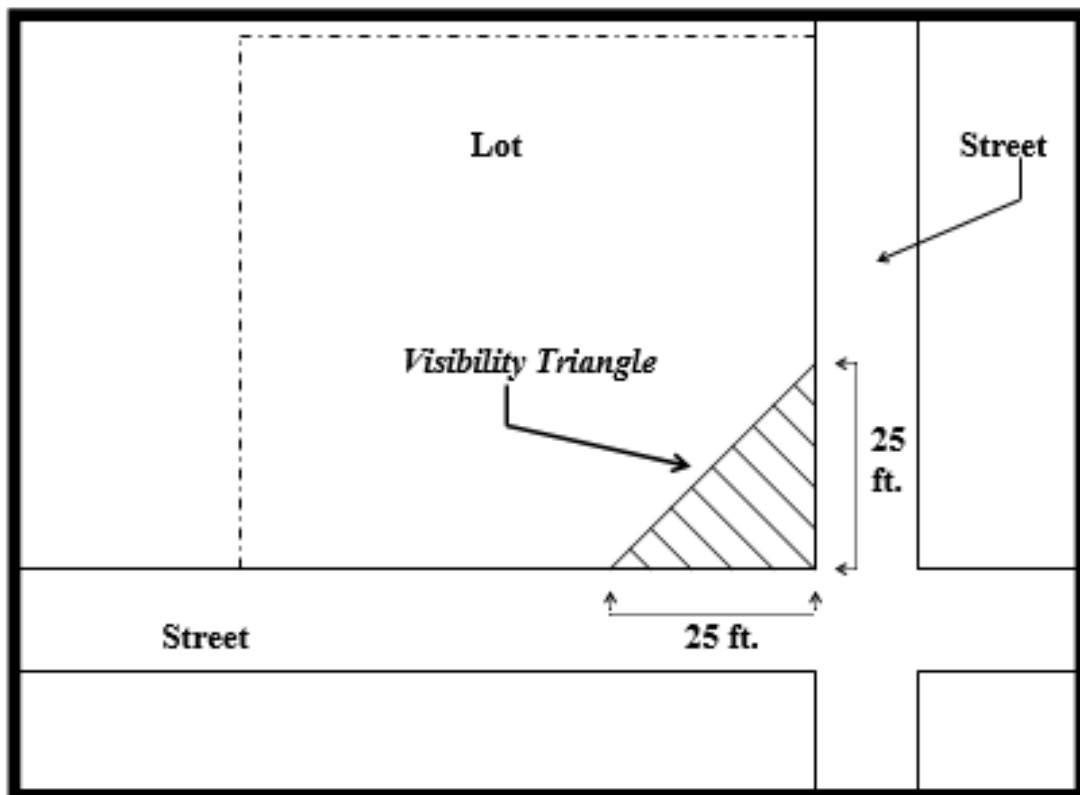
- 1. PARKING OR STORING OF UNLICENSED AND OR INOPERABLE VEHICLES-**
The parking or storing of an abandoned, dismantled, wrecked, inoperable, and/or unlicensed motor vehicle, unless parked wholly inside a garage or other building and not exposed to public view, shall be prohibited.
- 2. PARKING OR STORING OF VEHICLES ON GRASS OR OTHER PERVIOUS SURFACES -** Vehicles shall only be parked and/or stored on driveways and shall not be parked and/or stored on a lawn, dirt, or other pervious surface.
- 3. JUNK, GARBAGE, REFUSE, OR DEBRIS –** The storing, dumping, reducing, disposing, or burning of junk, garbage, refuse, debris, including but not limited to tires, car parts, construction materials, appliances, scrap metal, cloth, cardboard, rope, paper, glass, rubber, plastic, wood, stumps, vegetative matter, toxic waste, medical waste, rubbish, offal, or dead animals, in any yard area of the City shall be prohibited. When waste receptacles for normal household trash are located outside of a building, such waste receptacles shall be located in an area where they are not visible from any street and do not pose a nuisance to any adjacent property.
 - A. ABATEMENT OF VIOLATIONS -** If any responsible person, after being given notice by certified and regular mail to comply with the requirements of this provision, fails, neglects, or refuses within seven (7) days to comply with an order by the City, the City may take such action required by such order, either by force account or by contract, or the City Prosecutor or Director of Law may institute legal proceedings to compel compliance with the order.

If either the owner(s) and/or the owner's address is unknown and cannot be reasonably obtained, or if the property owner is known but refuses to accept the delivery of the City's notice to comply with the requirements of this Section, the City shall then have the authority to publish notice of its intent to remove the violations in question in a newspaper of general circulation within the City and will also post such intention in writing on the property in question through a notice or other device unless otherwise prohibited. If the violations in question are not subsequently removed within seven (7) days of the date of the publication and posting of the City's intent to remove said violations, the City shall have authority to remove the violations either by force account or by contract.

B. COLLECTION OF COSTS – Any cost or expense incurred by the City pursuant to achieving compliance with the requirements of this provision, shall be reimbursed to the City by the responsible person, including an additional twenty five percent (25%) of either the contractor’s price or the City’s remedial expenses to cover the City’s administrative cost of property maintenance enforcement. If not so paid by such responsible person within thirty (30) days after billing, such expense or cost may be recovered by an action at law against such responsible person, or may, to the extent permitted by law, by notice of the Finance Director be certified to the County Auditor and placed on the tax duplicate for collection and shall become a lien on the land involved.

(Ordinance 2008-346, passed 2-2-09, effective 3-14-09)

4. VIEW OBSTRUCTIONS - No person shall plant, construct or maintain upon any land or premises within the City, any vegetation, hedge, wall, fence, or other structure or object that interferes with, obstructs the view of, or creates a safety hazard for any motor vehicle being driven on a public street, or blocks the view of any person attempting to access a street from an adjacent property. Corner lots shall maintain a minimum twenty- five (25) feet “visibility triangle” free of any visual obstruction, at each intersection as measured from the curb line as illustrated below:



5. NOISE NUISANCES –

A. RESIDENTIAL ZONING DISTRICTS – No person shall create or cause to be emitted from his or her person or from any stationary noise source, any noise which causes or results in a noise level equal to or exceeding fifty (50) dBA as measured at any lot line of the premises in any Residential zoning district. This requirement may be waived by the City to permit the operation of emergency power generators during widespread power outages.

B. NONRESIDENTIAL ZONING DISTRICTS - No person shall create or cause to be emitted from his or her person or from any stationary noise source, any noise which causes or results in a noise level equal to or exceeding sixty (60) dBA as measured at any lot line of the premises in any Nonresidential zoning district. This requirement may be waived by the City to permit the operation of emergency power generators during widespread power outages.

6. DETERIORATED OR DECAYED BUILDING OR STRUCTURES – Structures shall not be permitted to become deteriorated, decayed, or otherwise un-maintained in any manner, as further specified below:

A. FOUNDATIONS, EXTERIOR WALLS, ROOFS, AND APPURTENANCES

1. FOUNDATIONS – The foundation of every structure within the City shall be maintained free from damaged, loose, or missing, blocks bricks, tile, or any other deteriorated foundation material, nor shall any foundation otherwise be maintained in a condition so as to potentially damage the integrity of the structure that it supports.

2. EXTERIOR WALLS, STRUCTURES, AND APPURTENANCES – Every exterior wall, door, porch, patio, floor, step, chimney, railing, window, sill, sash, molding, lintel, frame, gutter, downspout, lattice, fence, gate, driveway, parking lot, street access drive, or any other exterior portion of a structure or any parts or features thereof, shall be maintained free from holes, cracks, damaged, decayed, deteriorated, warped, loose or missing materials, and shall otherwise be maintained in good repair and in a structurally safe, sound, and functioning condition. All windows, doors, roofs, walls, or other means of access to a building or structure shall be secured against uncontrolled outside access.

3. ROOFS – Every roof shall be maintained in good repair and in a weather-tight condition and shall otherwise be structurally sound and free from holes, cracks, damaged, decayed, deteriorated, warped, loose or missing materials. All missing shingles or other roofing materials shall be replaced with materials of a similar kind, nature, design, and color as the remaining materials. Any roof or distinguishable portion thereof determined by the Director of Planning and Economic Development and/or his/her designee to have more than five percent (5%) of its total area comprised of missing or deteriorated shingles or other roofing materials shall be replaced.

B. SURFACE COATING PROTECTION OF STRUCTURES AND APPURTENANCES REQUIRED - All exterior surfaces of every structure and

appurtenances thereto in the City shall be maintained so as to resist decay or deterioration from the elements or from any other naturally occurring cause. To this end, all exterior surfaces shall be covered with paint, finish, or other surface coating so as to effectively prevent such decay or deterioration. Any exterior wall segment, facing or other distinguishable surface area determined by the Director of Planning and Economic Development, and or his/her designee, to have more than five percent (5%) of its total area bare, peeling, flaking, pitted, corroded, or otherwise deteriorated shall be required to be appropriately repaired and surface coated as specified above.

If the surface to be coated is only a portion of a structure, then such surface coating shall be compatible in color, texture and design, with the entire structure. If the entire structure is to be surface coated, then such surface coating shall be compatible in color, texture, and design with similar structures in the immediate neighborhood.

C. REPAIR OR DEMOLITION OF INSECURE, UNSAFE, OR STRUCTURALLY UNSOUND BUILDINGS REQUIRED – The City may provide for the removal, repair, or securance of any buildings or other structures that have been declared structurally insecure, unsafe, or unsound by the City Building Commissioner, and/or declared unfit for human habitation by the Cuyahoga County Health Department as further provided herein.

1. **NOTIFICATION REQUIRED** - At least thirty (30) days prior to the City providing for the removal, repair, or securance of any insecure, unsafe, and/or structurally unsound building or structure, or of any building that is unfit for human habitation, the City shall give notice by certified mail of its intentions with respect to such removal, repair, or securance to the holders of legal or equitable liens of record upon the real property on which such building or structure is located and to the owners of record of such property. If the owners address is unknown and cannot be reasonably obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the City. If an emergency situation exists, as determined by the City, notice may be given other than by certified mail and less than thirty (30) days prior to such removal, repair, or securance.
2. **FAILURE TO REMOVE, REPAIR, OR SECURE BUILDINGS OR STRUCTURES** - If, within thirty (30) days of the City giving notification of its intention to remove, repair, or secure any building or structure found to be insecure, unsafe, unsound, or unfit for human habitation, the owner of such structure has not removed, repaired, or secured such structure the City may provide for the removal, repair, or securance of the structure, either by force account or by contract action.
3. **COLLECTION OF COSTS** – Any cost or expense incurred by the City pursuant to achieving compliance with the requirements of this provision, shall be reimbursed to the City by the responsible person, including an additional twenty five percent (25%) of either the contractors price or the City’s remedial expenses to cover the City’s administrative cost to remove, repair, or secure, such structure. If not so paid by such responsible person within thirty (30) days after billing, such expense or cost may be recovered by an action at law against such responsible person, or may, to the extent

permitted by law, by resolution of Council, be certified to the County Auditor and placed on the tax duplicate for collection and shall become a lien on the land involved.

7. UNMAINTAINED GRASS AND/OR LANDSCAPING –

A. MAINTENANCE REQUIRED - All required yards, and all areas not devoted to driveways, sidewalks, parking areas, and buildings, shall be well maintained in a safe, clean, and sanitary condition with grass, trees, shrubs and other landscape elements. Any landscape beds shall be kept free from weeds and shall be maintained in good condition. All trees, shrubs, and plants shall be kept well trimmed, and any dead, decayed or broken portions thereof shall be removed. Any yard required in association with the construction of a new building shall be installed within six (6) months of the completion and/or occupation of the building.

B. UNMAINTAINED GRASS/NOXIOUS WEEDS PROHIBITED

- 1. MAXIMUM HEIGHT OF GRASS AND/OR WEEDS** – Grass and/or weeds shall be maintained and controlled so as to not pose a public nuisance or safety hazard, and shall at no time exceed a height of eight (8) inches on any developed lot, nor exceed a height of ten (10) inches on any undeveloped lot. Accumulations of grass clippings shall be removed from the yard area following cutting.
- 2. ABATEMENT OF VIOLATIONS** - If any responsible person, after being given notice by certified and regular mail to comply with the requirements of this provision, fails, neglects, or refuses within forty eight (48) hours to comply with an order by the City, the City may take such action required by such order, either by force account or by contract, or the City Prosecutor or Director of Law may institute legal proceedings to compel compliance with the order.

If either the owner(s) and/or the owner’s address is unknown and cannot be reasonably obtained, or if the property owner is known but refuses to accept the delivery of the City’s notice to comply with the requirements of this Section, the City shall then have the authority to publish notice of it’s intent to remove the violations in question in a newspaper of general circulation within the City and will also post such intention in writing on the property in question through a notice or other device unless otherwise prohibited. If the violations in question are not subsequently removed within forty eight (48) hours of the date of the publication and posting of the City’s intent to remove said violations, the City shall have authority to remove the violations either by force account or by contract.

- 3. COLLECTION OF COSTS** – Any cost or expense incurred by the City pursuant to achieving compliance with the requirements of this provision, shall be reimbursed to the City by the responsible person, including an additional twenty five percent (25%) of either the contractor’s price or the City’s remedial expenses to cover the City’s administrative cost of property maintenance enforcement. If not so paid by such responsible person within thirty (30) days after billing, such expense or cost may be recovered by an action at law against such responsible person, or may, to the extent

permitted by law, by notice of the Finance Director be certified to the County Auditor and placed on the tax duplicate for collection and shall become a lien on the land involved.

(Ordinance 2008-346, passed 2/2/09, effective 3/14/09)

8. MAINTENANCE OF STORM WATER MANAGEMENT SYSTEMS -

A. MAINTENANCE REQUIRED - The Homeowners Association for each residential development and/or the owner of each lot or parcel within the residential development, as well as the owner(s) of any non-residential development, shall be responsible for maintaining in good working order the Storm Water Management System that has been provided to control the storm water runoff generated by such development. However, the City of Solon shall be responsible for maintaining any Storm Water Management System that is located on City owned property.

Minimum required maintenance of detention and/or retention basins shall include but not be limited to the control of vegetation within basin areas so as to not exceed a height of ten (10) inches unless otherwise explicitly approved by the City Planning Commission and/or City Council as part of a professional landscape plan. In addition, detention and/or retention basins shall not be permitted to accumulate with silt, soil, branches, trees, vegetation, debris, or any other obstructions, or to become damaged or compromised in any way so as to prevent the detention and/or retention basin from effectively operating in the manner in which it was designed and intended as determined by the City Engineer.

Open drainage ways, or any portion thereof, located on any lot or parcel shall be maintained free from accumulations of silt, soil, branches, trees, vegetation, debris, or any other obstructions which impede the natural flow and/or course of the open waterway as determined by the City Engineer.

B. ABATEMENT OF VIOLATIONS - If the Homeowners Association for the residential development and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, after being given notice to comply with the requirements of this Section, fail, neglect, or refuse, within thirty (30) days to comply with said order by the City, the City may take such action required by such order, either by force account or by contract, or the City Prosecutor or Director of Law may institute legal proceedings to compel compliance with the order. The City Engineer is authorized to grant an extension of the thirty (30) day compliance period if in his/her professional judgment additional time is reasonably required to correct the violation in question.

C. COLLECTION OF COSTS – Any cost or expense incurred by the City pursuant to achieving compliance with the requirements of this Section, shall be reimbursed to the City by the Homeowners Association and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, including an additional twenty five percent (25%) of either the contractors price or the

City's remedial expenses to cover the City's administrative cost of maintaining the Storm Water Management System. If not so paid by the Homeowners Association and/or the individual lot or parcel owners within the residential development, or the owner(s) of any non-residential development, within thirty (30) days after billing, such expense or cost may be recovered by an action at law against such responsible parties, and to the extent permitted by law, by resolution of Council, and be certified to the County Auditor and placed proportionately on the tax duplicates of any lot(s) and/or parcel(s) owned by the Homeowners Association for the residential development and/or on each individual lot or parcel owned within the residential development, or on the lot(s) and/or parcel(s) owned within any non-residential development, for collection and shall become a lien on such lot(s) or parcel(s).

(Ordinance 2007-128, passed 6/18/07.)

- 9. CONSTRUCTION TO BE PERFORMED IN A WORKMANLIKE MANNER** – All structures regulated within this Code shall be constructed in a quality workmanlike manner, and shall not pose a health or safety threat, nuisance, or a diminution of property values in the area in which said structure is located due to the use of substandard construction methods, materials, or finishes as determined by the Chief Building Official of the City of Solon.

(Ordinance 2009-285, passed 12/7/09, effective 1/16/10)

1288.03 PROHIBITION OF SPECIFIC LAND USES:

To protect and advance the health, safety, and welfare of the residents of the City of Solon and the general public, the following specific land uses shall be prohibited in all zoning districts:

- (1) ACID MANUFACTURE.
- (2) ASPHALT MANUFACTURING OR REFINING.
- (3) BRICK, TILE OR TERRA COTTA MANUFACTURE.
- (4) CARBON, COKE, OR LAMPBLACK MANUFACTURE.
- (5) CELLULOID MANUFACTURE OR STORAGE.
- (6) CEMENT, LIME, GYPSUM, OR PLASTER OF PARIS MANUFACTURE.
- (7) CHLORINE OR HYDROCHLORIC, NITRIC, OR PICRIC ACID MANUFACTURE.
- (8) CLAY PRODUCTS MANUFACTURE.
- (9) COMMERCIAL DOG KENNELS.
- (10) COMMERCIAL RAISING OF FUR BEARING ANIMALS.
- (11) CONCRETE READY MIX AND CONCRETE PRODUCT PLANTS.
- (12) CREOSOTE MANUFACTURE OR TREATMENT PLANTS.
- (13) DISTILLATION OF BONES, FAT RENDERING, GLUE MANUFACTURE.
- (14) DYESTUFF MANUFACTURE.
- (15) EMERY CLOTH OR SANDPAPER MANUFACTURE.
- (16) EXPLOSIVE OR FIREWORKS MANUFACTURE OR STORAGE.
- (17) FERTILIZER MANUFACTURE.
- (18) BUSINESSES INVOLVING THE ONSITE SLAUGHTER OF ANIMALS AND/OR
THE KEEPING OF ANIMALS FOR SLAUGHTER..
- (19) GAS MANUFACTURE AND/OR STORAGE FOR DISTRIBUTION.

- (20) INCINERATION OR REDUCTION OF DEAD ANIMALS, GARBAGE, OFFAL OR REFUSE, EXCEPT AN INCINERATOR SERVING AS AN INCIDENTAL ACCESSORY USE TO A PERMITTED BUSINESS.
- (21) IRON OR STEEL FOUNDRY, BLAST FURNACE, ROLLING MILL, OR FORGE SHOP.
- (22) MATCH MANUFACTURE.
- (23) MINERAL INSULATION MANUFACTURE, MINING OPERATIONS.
- (24) NITRATING OF COTTON OR OTHER CELLULOSE MATERIAL.
- (25) NOISY AMUSEMENT ENTERPRISE IF OPERATED AS A BUSINESS.
- (26) OCCUPANCY OF A CAMPER, TRAILER, RECREATIONAL VEHICLE OR OTHER VEHICLE FOR LIVING QUARTERS AND/OR SLEEPING QUARTERS.
- (27) OILCLOTH OR LINOLEUM MANUFACTURE.
- (28) OIL AND/OR OTHER FUEL REFINERIES.
- (29) ORE REDUCTION AND GENERAL SMELTING OPERATIONS.
- (30) OUTDOOR DISPLAY OR SALE OF FOOD, MERCHANDISE OR EQUIPMENT UNLESS OTHERWISE SPECIFICALLY APPROVED WITHIN A PARTICULAR ZONING DISTRICT
- (31) OUTDOOR MOVIE THEATER.
- (32) POTASH MANUFACTURE.
- (33) PRINTING INK MANUFACTURE.
- (34) RAYON MANUFACTURE.
- (35) ROCK AND SLAG CRUSHING.
- (36) RUBBER, CAOUTCHOUC, OR GUTTA PERCHA MANUFACTURE OR TREATMENT.
- (37) JUNK YARDS AND/OR AUTO SALVAGE YARDS.
- (38) EXTERIOR STORAGE OF SCRAP METAL, PAPER, CLOTH, PLASTIC, GLASS,

MASONRY, RUBBER, WOOD, GRAVEL, SAND, STONE, AND/OR ANY SIMILAR MATERIALS.

- (39) SHELLAC, TURPENTINE, LACQUER OR VARNISH MANUFACTURE.
- (40) SMELTING OF ORES.
- (41) TALLOW, GREASE OR LARD MANUFACTURE OR REFINING.
- (42) SODA ASH, CAUSTIC SODA, OR WASHING COMPOUND MANUFACTURE.
- (43) STOCK YARDS.
- (44) STONE QUARRY, GRAVEL OR SAND PIT, AND/OR MINING OPERATIONS.
- (45) STORAGE OF VOLATILE OILS, GASOLINE, OR GASSES IN EXCESS OF 25,000 GALLONS.
- (46) TANNING, CURING OR STORING OF RAW HIDES OR SKINS.
- (47) TAR DISTILLATION OR MANUFACTURE.
- (48) TAR ROOFING OR TAR WATERPROOFING MANUFACTURE.
- (49) RECREATIONAL VEHICLE PARKS, CAMPGROUNDS, CABIN RENTALS, OR ANY SIMILAR BUSINESS.
- (50) AUTOMOBILE SALES, WHERE 25% OR MORE OF ON-SITE INVENTORY CONSISTS OF PREOWNED VEHICLES.
- (51) ANY OTHER USE THAT IS DETERMINED BY THE CITY OF SOLON TO BE SUBSTANTIALLY SIMILAR TO ANY OF THE ABOVE LISTED PROHIBITED USES.

(Ordinance 2014-129, passed 7/21/14, effective 11/25/14)

1288.04 (Removed per Ordinance 2014-128, passed 7/21/14, effective 11/25/14)

1288.05 PROHIBITION AGAINST GENERAL NUISANCES:

In addition to any use or property condition specifically prohibited herein, any other building(s), structure(s), or use(s) that poses a threat to the general health, safety and welfare, or which otherwise poses a danger from fire, or explosion, structural instability or collapse, or which constitutes a public nuisances due to noise, vibrations, light, glare, smoke, dust, fumes, attraction of pests, or odors, that are not effectively confined to the premises, or which poses an attractive nuisance to children, or which otherwise constitutes a blighting or deteriorating influence on the area in which the use or property condition is located, shall be prohibited.

(Ordinance 2014-129, passed 7/21/14, effective 11/25/14)

1288.06 PRECEDENCE:

In any case where a provision of this chapter imposes a higher standard than that set forth in any other Ordinance of the City, or law of the State, then the standards set forth herein shall prevail, but if a provision of this chapter imposes a lower standard than that imposed by any other Ordinance of the City or law of the State, then the higher standard contained in any such other Ordinance or law shall prevail.