

CHAPTER 1489
Residential Rental Occupancy Permit

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1489.01 PURPOSE AND SCOPE.

(a) The purpose of this chapter is to establish general inspection procedures and minimum maintenance standards necessary to insure that all residential rental units are safe, sanitary, free from fire and health hazards, fit for human habitation, and promote the public welfare. In addition, this chapter establishes minimum standards governing the maintenance of all residential rental units and premises in such condition as will not constitute a blighting or deteriorating influence on neighborhoods or the general community; establishes the particular responsibilities of the owners and occupants of residential rental units pertaining to sanitation, repairs, and maintenance; establishes general standards for all single-family, two-family, and multi-family dwellings used for residential rental purposes; authorizes the inspection of all residential rental units, including any single-family, two-family, or multi-family dwellings used for residential rental purposes; establishes enforcement procedures; and establishes penalties for violating the provisions of this chapter.

(b) The provisions of this chapter shall be considered to be supplemental to all other provisions of the Ordinances of the City of Solon relating to construction, use, and maintenance of buildings and premises. However, where any provision of this chapter is more strict than any provision of the City Zoning Code and/or the Building and Housing Code, the provisions of this chapter shall prevail herein.
(Ord. 2011-111. Passed 9-7-11.)

1489.02 RENTAL UNIT OCCUPANCY PERMIT REQUIRED.

(a) As of January 1, 2012, no owner, agent, or person in charge of any building or unit thereof shall rent or lease any part of said building or unit thereof for residential

occupancy unless said owner, agent, or person in charge, has been issued a current and valid rental unit occupancy permit by the Chief Building Official for the City, as specified herein.

(b) The application for a rental unit occupancy permit for all existing residential rental units in the City shall occur between January 1st and March 31st 2012. The subsequent renewal of a rental unit occupancy permit shall occur every three years thereafter, between January 1st and March 31st of that year, unless said permit is otherwise revoked or voided as provided for under the relevant provisions of this chapter.

(c) The issuance of a residential rental unit occupancy permit for any new rental unit, or to reactivate any revoked or voided permit, shall be made prior to the occupancy of the rental unit in question, and said permit shall be subsequently renewed in accordance with the schedule that is specified above.

(Ord. 2011-111. Passed 9-7-11.)

1489.03 MAINTENANCE RESPONSIBILITIES.

(a) The owner(s), agent(s), or person(s) in charge of every residential rental unit or structure shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of this chapter. The owner shall also be responsible for maintaining in a safe and sanitary condition the shared or common areas of the premises.

(b) The occupant(s) of a residential rental unit or premises shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintaining in a safe condition all equipment and appliances which he or she owns.

(Ord. 2011-111. Passed 9-7-11.)

1489.04 RENTAL PROPERTY MAINTENANCE STANDARDS AND REQUIRED FACILITIES.

The following minimum facilities and maintenance standards shall be required for all single-family, two-family, and multi-family residential rental units, as specified herein.

(a) General Prohibitions. No building or structure shall be permitted to exist in a structurally defective, unsafe, or unsanitary condition, or without provision for adequate and safe ingress/egress, or in a condition constituting a potential fire hazard or other danger to human life or which in relation to existing uses, immediate or in the vicinity, constitutes a hazard to the safety, health, property or welfare of the occupant(s) or the public by reason of inadequate maintenance, dilapidation, abandonment, vandalism, or deterioration, or in any manner contrary to relevant zoning or building ordinances of the City or otherwise constituting a public nuisance. In addition to any requirements specified within this section of the codified ordinances, all applicable regulations provided for

within Chapter 1289, Prohibited Uses and Property Conditions, of the City of Solon Ordinances, shall apply and shall be subject to enforcement.

- (b) Responsibility. The owner of the structure shall provide and maintain all light, ventilation, space, mechanical, electrical, plumbing, and fire safety conditions, equipment, facilities, and fixtures in compliance with these requirements and shall not permit the occupancy of any premises that do not comply with the requirements of this chapter and provisions of this Rental Unit Occupancy Code.
- (c) Interior Maintenance Requirements for Single-Family, Two-Family and Multi-Family Units. The interior of any structure and any associated equipment therein shall be maintained in a safe, structurally sound, and sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a safe and sanitary condition. Every owner of a structure containing a residential rental unit shall maintain, in a safe and sanitary condition, the shared or public areas of the structure.
 - (1) Prohibited unsafe conditions. The following components listed in paragraphs (1)A. through M., below, shall be inspected to determine unsafe conditions and any deficiencies found shall be repaired or replaced so as to comply with the Residential Code of Ohio or the Ohio Building Code as required for existing buildings. However, any preexisting construction that was legally in compliance with all relevant building codes at the time of its construction shall be grandfathered unless otherwise required by the Building and Housing Code of the City of Solon and/or unless said construction or condition is determined by the Chief Building Official of the City to constitute an immediate threat to the health, safety and welfare of the occupants or neighbors of the residential rental unit in question.
 - A. Structural members. All structural members shall be maintained in a safe, structurally sound condition, and shall be capable of supporting imposed loads.
 - B. Interior components.
 - 1. Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in a safe, operable, and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
 - 2. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in a safe condition.
 - 3. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in a safe condition.
 - 4. Interior doors. Every interior door shall be maintained in a safe and operable condition as intended by the manufacturer of the attachment hardware.

5. Duct systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.
 6. Mechanical appliances. All mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
 7. Sanitary drainage system maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
 8. Other - dwelling unit identification. Each dwelling unit must be legibly identified with the relevant address number.
- C. Rubbish and/or garbage.
1. Accumulation of rubbish and/or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and/or garbage.
 2. Disposal of rubbish and/or garbage. Every occupant of a structure containing a residential rental unit shall dispose of all rubbish and/or garbage in a clean and sanitary manner by placing such rubbish and/or garbage in approved containers or approved disposal facility.
 3. Rubbish and/or garbage storage facilities. The owner or occupant of every occupied premise shall supply an approved leak-proof, covered outside rubbish and/or garbage containers or storage facility for rubbish and/or garbage, and the owner or occupant of the premises shall be responsible for providing for the removal of rubbish and/or garbage. All rubbish and/or garbage containers shall be in compliance with the requirements of the City's Automated Rubbish Removal Program.
- D. Pest elimination.
1. Infestation. Any structure in which insects or rodents are found shall be properly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation. The owner shall be responsible to keep all single-family and multi-family occupancies free from insect and rodent infestation and pest elimination. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- E. Required kitchen facilities. Every residential rental unit shall be provided with at least one complete kitchen that includes approved cooking, refrigeration, and sink facilities. No such kitchen facility shall be placed within any water closet compartment or within any

bathroom. Communal kitchen areas serving more than one residential rental unit are prohibited.

- F. Clothes dryer exhaust requirements. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions and shall be maintained free of obstructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

- G. Occupancy requirements.

1. Privacy requirements. Residential rental units shall be arranged to provide privacy and be separate from other adjoining spaces.
2. Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between countertops and appliances or countertops and walls.
3. Bedroom and living room requirements. Every bedroom and living room shall comply with the following requirements:

- a. Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain not less than seventy square feet of habitable floor area if used for one occupant, and not less than thirty square feet of habitable floor area per occupant if used by more than one occupant.
- b. Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- c. Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located on the same story as the bedroom or an adjacent story.
- d. Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- e. Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, room area, and room width requirements of this section; the plumbing facilities and water-heating facilities requirements of Section 1489.04(c)(1)H. thru J. hereof; the heating facilities and electrical receptacle requirements of Section 1489.04(c)(1)K. hereof; and the smoke detector and emergency escape requirements of Section 1489.04(c)(1)M. hereof.

4. Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
- H. Plumbing facilities and fixture requirements. The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
1. Required facilities.
 - a. Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.
 - b. Toilet rooms. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all toilet rooms and bathrooms. Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a safe and sanitary condition.
 2. Plumbing systems and fixtures. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
 - a. Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.
- I. Water system. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Plumbing Code.
1. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. The supply lines and fittings for every plumbing fixture shall be installed so as to prevent backflow. Plumbing fixture fittings shall provide backflow protection in accordance with ASME A112.18.1.

2. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
3. Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F.

A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

- J. Sanitary drainage system. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- K. Mechanical and electrical requirements. The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.
 1. Heating facilities required. Heating facilities shall be provided in structures as required by this section.
 2. Residential occupancies. Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of 68 degrees F. in all habitable rooms, kitchens, bathrooms, and water closet compartments without forcing the facilities to operate in excess of their design capacity. The inside temperature shall be measured in the approximate center of each room, approximately three feet above the floor. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 3. Mechanical equipment.
 - a. Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for un-vented operation.
 - b. Clearances. All required clearances to combustible materials shall be maintained.
 - c. Safety controls. All safety controls for fuel-burning equipment shall be maintained in a safe and effective operating condition.

- d. Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
 - e. Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved as per the manufacturer's installation instructions.
4. Electrical facilities required. Every residential rental unit 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. Such facilities shall be approved as being adequate to supply the requirements of lighting, appliances and equipment of the structure concerned.
- a. Electrical service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Each residential rental unit dwelling shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.
 - b. Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
 - c. Abatement of electrical hazards associated with fire and/or water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to fire

and/or water shall be replaced in accordance with the provision of the Residential Code of Ohio or Ohio Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

- i. Receptacles. Every habitable space in a residential rental unit dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle outlet that provides ground fault circuit interrupter protection. Every receptacle outlet located within six feet of a source of water shall have ground fault circuit interrupter protection.
- L. Elevator and dumbwaiter requirements. All elevators and dumbwaiters that provide service within residential rental unit structures shall be maintained in compliance with the American Society of Mechanical Engineers ASME: A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official.
- M. Fire safety. The provisions of this section shall govern the minimum conditions and standards for fire safety relating to residential rental dwelling structures and exterior premises, including fire safety facilities and equipment to be provided.
1. Means of egress. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Residential Code of Ohio or the Ohio Fire Code, and where such multiple dwelling contains more than two dwelling units above the first story, the Code Official may require such additional means of egress as are, in his or her opinion, needed for the safety of the occupants of the structure.
 2. Aisles. The required width of aisles in accordance with the Residential Code of Ohio or the Ohio Fire Code shall be unobstructed.
 3. Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

4. Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are not permitted to be placed over emergency escape and rescue openings.
5. Fire resistance ratings.
 - a. Fire-resistance-rated assemblies. The required fire-resistance rating of the fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
 - b. Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
6. Fire protection systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Ohio Building Code, the Residential Code of Ohio and the Ohio Fire Code.
 - a. Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2 and R-3 occupancies regulated by the Ohio Building Code and in dwelling structures regulated by the Residential Code of Ohio regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 - iii. In each story within a residential rental dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In residential rental dwellings or residential rental dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Ohio Fire Code.
 - iv. Power source. In Groups R-2 and R-3 occupancies regulated by the Ohio Building Code and in dwelling

structures regulated by the Residential Code of Ohio, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

- v. Interconnection. Where more than one smoke alarm is required to be installed per Section 1489.04(c)(1)M.6.a. of this code, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- (A) Interconnecting is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
- (B) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide for interconnection without the removal of interior finishes.

(Ord. 2011-111. Passed 9-7-11.)

1489.05 RENTAL UNIT OCCUPANCY PERMIT APPLICATION REQUIREMENTS AND FEES.

(a) Application Form. Application for a rental unit occupancy permit shall be made on forms supplied by the Chief Building Official for the City. Said application shall be made for any existing rental unit in accordance with the effective date of this chapter (See Section 1489.02); and for any subsequently proposed rental unit(s) prior to the occupancy

or use of said unit(s); and for any change in the ownership or occupancy of a rental unit in accordance with the provisions of this section. A rental unit occupancy permit shall expire in accordance with the provisions of Section 1489.02, and no rental unit shall be utilized thereafter without re-application for and approval of a rental unit occupancy permit in accordance with the provisions of this chapter. The information on said application shall include, but not be limited to:

- (1) The name, address and telephone number of the owner(s) of the property and any agent acting on behalf of the property owner.
- (2) The street address, telephone number, and name(s) of all persons residing within the rental unit in question.
- (3) The date on which the property became, or would become, a rental property.

(b) Application Fees. The following fees shall be remitted to the City along with the submittal of a completed application form.

- (1) Single-family dwelling \$100.00
- (2) Two-family dwelling \$ 75.00 per rental unit
- (3) Multi-family dwelling \$160.00 for the first three dwelling units and \$30.00 for every dwelling unit over the first three.

(c) Inspection Required.

- (1) An inspection of each rental unit shall be required in order to establish compliance with the minimum maintenance and safety standards that are specified herein. Said inspection shall be conducted in association with the issuance of each new rental unit occupancy permit, unless exempted by the provisions of this Code.
- (2) At the City's discretion, and for the convenience of both the property owner and renter, inspections will be scheduled at change of occupancy when feasible. However, at least one inspection in accordance with the provisions of this chapter shall occur within three years of the date of the receipt of the rental occupancy permit application, regardless of whether a change in occupancy occurs during that period or not.
- (3) All inspections shall be conducted by the City, unless an agreement is otherwise approved by the City Council authorizing a private inspection program for a specific premises. Any such private inspection agreement/program shall require, at a minimum, the following:
 - A. State of Ohio certified inspectors required. Inspections shall be performed exclusively by persons holding current and valid State of Ohio Building, Plumbing, and Electrical Inspector certifications, and only persons certified in the inspection of a particular system, shall be authorized to inspect that system.

- B. City forms and inspection timelines required. The results of all inspections shall be clearly documented on City supplied and/or approved inspection forms, and such inspections shall be in compliance with the timelines and criteria specified within this chapter. Any violation of this chapter that is disclosed in the course of the inspection of the premises in question shall be brought into compliance in accordance with the timelines established under the provisions of this chapter. Any unresolved violations shall be reported to the Chief Building Official of the City of Solon so that enforcement proceedings can be commenced.
- C. Provision of completed inspection forms to the City. Copies of all completed rental unit inspection forms, including any forms required by this Code relating to changes in occupancy or ownership, shall be provided to the City Building Department in a timely manner.
- D. Provision for City verification of compliance. The City shall have the authority and discretion to verify compliance with the terms of the private inspection agreement through the conduction of onsite inspections and/or through any other relevant means. City Council shall have the authority and discretion to terminate any private agreement upon determination that the provisions of either the chapter or the inspection agreement have been violated.
- E. Fee schedule for private inspection programs. A fee of fifteen dollars (\$15.00) for each individual rental unit that is included within any Council approved private inspection program shall be provided to the City at the commencement of each recurring two-year inspection cycle in order to cover the City's administrative costs associated with the private inspection program.

(d) Reinspection Fee. The initial inspection, and up to two re-inspections are included in the application fee. However, if more than two re-inspections are required in the enforcement of these regulations, each subsequent inspection shall require a re-inspection fee of forty dollars (\$40.00). Failure to pay any re-inspection fee within thirty days of the date of the assessment of the fee, will result in the imposition of an additional late charge of ten dollars (\$10.00) per day per rental unit for each day that elapses after thirty day period. Failure to pay any re-inspection fee and/or any late charge fees within sixty days of the date of the assessment of the fee may result in the revocation of the rental unit occupancy permit in question.

(e) Change in Ownership. In the event that there is a change in the ownership of record, the rental unit occupancy permit issued under the provisions of this chapter to the former owner shall become null and void. A new rental unit occupancy permit shall be applied for not more than thirty days after such change in ownership has occurred. Such new rental unit occupancy permit shall expire on the same date as the permit which it replaced, and no fee shall be charged for said change nor shall an inspection of the premises be required.

(f) Change in Occupancy. In the event that there is a change in the nature or extent of the occupancy of a rental unit from that indicated in the rental unit occupancy permit, said rental unit occupancy permit shall become null and void. No change in the nature or extent of occupancy shall be permitted unless a new rental unit occupancy permit has been issued for said change in occupancy in accordance with the provisions of this chapter. The new rental unit occupancy permit shall expire on the same date as the permit it replaced and no fee shall be charged. If no change in the nature or extent of the occupancy of any rental unit is otherwise proposed, then no inspection shall be required. However, if additional City inspections are required due to the proposed change in the nature or extent of the occupancy of any rental unit then a new annual permit shall be issued and the required fees shall be remitted in accordance with subsections (b) and (c), above.

(g) Posting of Permit. The owner, agent, or person in charge of a building or rental unit shall retain and furnish upon request a copy of the rental unit occupancy permit to the tenant or lessee of the rental unit.

(Ord. 2011-111. Passed 9-7-11.)

1489.06 ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

(a) Inspections; Authority of the Code Official. The Code Official is hereby authorized to make or cause to be made inspections of all structures and premises used for residential purposes, and of all secondary or accessory structures, in accordance with the provisions of this Code.

(b) Right of entry. Upon presentation of proper credentials, the Code Official may enter, with the permission of the occupant, or at such times as may be necessary in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on such official by this Code. If, however, the occupant refuses permission to enter, no entry shall be made without first obtaining a warrant.

(c) Inspection Reports and Procedures.

(1) Upon completion of an inspection, an inspection report will be issued to the owner/agent and occupant of the rental property within three weeks. Any violations enumerated in the inspection report shall be abated within thirty days from the date of the inspection report, unless an extension is otherwise approved by the Chief Building Official. The Chief Building Official shall also be authorized to require immediate correction of a violation if it is determined that an immanent threat to the health, safety, or welfare of the occupants and/or neighbors exists. A re-inspection shall be required to verify that the violations have been corrected. It shall be the responsibility of the property owner to contact the Chief Building Official to schedule the required inspection.

(2) Failure to correct any violations within thirty days of the date of the inspection report shall constitute a violation of this chapter. Upon request, the Chief Building Official shall have the discretion to grant additional time to correct the violations.

(d) Revocation of a Permit. The Chief Building Official shall have the authority to revoke any rental unit occupancy permit if it is determined that any false information has been provided in connection with the issuance of such permit, or if the building or rental unit thereof is found to be in non-compliance with the requirements of this chapter, or if the owner, agent, or person in charge of a building or rental unit thereof refuses to comply with any provision of this chapter.

(e) Emergency Cases; Order to Vacate Premises.

- (1) Whenever the Chief Building Official, operating in the capacity of the Code Official, determines that the condition of a structure or premises, or any part thereof, constitutes an immediate hazard to human life or health, the Chief Building Official shall declare that a case of emergency exists and shall order immediate vacation of the structure or premises, or any part thereof.
- (2) Whenever the Chief Building Official orders a structure or premises, or any part thereof, to be vacated, said official shall cause to be posted at every entrance to such structure or premises, or any part thereof, a placard warning of the existence of such vacation order. No person shall remove or deface such placard until the required repairs or demolition are completed, and written authorization from the Chief Building Official shall be required to remove such placard. No person shall enter or use any structure or premises or part thereof that has been posted as prescribed herein, except for the purpose of making the required repairs or demolition.

(f) Penalties and Legal Actions.

(1) Misdemeanor offense.

- A. The owner, agent, person in charge, or occupant of any residential rental unit that is in violation of any provision of this chapter shall be guilty of a misdemeanor of the second degree. Each separate violation shall constitute a separate offense, and a separate offense shall be deemed to be committed for each day during which the violation or non-compliance occurs or continues.
- B. Should any specific offense for which the owner, agent, person in charge, or occupant has been found guilty in any court of law be repeated within a two year period of the date of the conviction for such offense, such owner, agent, person in charge, or occupant shall be guilty of a misdemeanor of the first degree. Each separate violation shall constitute a separate offense, and a separate offense shall be deemed to be committed for each day during which the condition or non-compliance occurs or continues.

- (2) Mandamus, injunction, and abatements. In addition to any other remedies provided under this chapter, the City Law Director or City Prosecutor may, upon violation of this chapter having been brought to his or her attention, institute injunction, mandamus, abatement or any other appropriate action.

The City shall reserve the right to enforce the provisions of this chapter, separately or in any combination, against any owner, agent, person in charge, or occupant of any residential rental unit.

(g) Right of Appeal. The owner, agent, person in charge, or occupant of any structure or premises shall have the right to appeal any order or written notice issued by the Code Enforcement Official in accordance with Section 1404.06 of the Building and Housing Code.

(h) Referral to City Schools. The City shall refer all information relating to the specific location, ownership, and occupancy of each rental unit within the City, including any modifications in such ownership and/or occupancy that may subsequently occur, to the Superintendent of the City of Solon Schools.
(Ord. 2011-111. Passed 9-7-11.)

1489.07 RULES FOR THE INTERPRETATION OF TERMS AND WORDS USED WITHIN THIS CHAPTER.

(a) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(b) Terms Defined within Other Codes. Where terms are not specifically defined within this Code but are defined in the Residential Code of Ohio, the Ohio Building Code, the Ohio Fire Code, or in City of Solon Zoning Ordinance, such terms shall have meanings ascribed to them as stated within those codes.

(c) Terms not Defined. Where terms are not defined through the methods authorized within this section, such terms shall have ordinarily accepted meanings such as the context implies.

(d) Parts. Whenever the words "dwelling unit," "residential rental unit", "premises," "building," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof".
(Ord. 2011-111. Passed 9-7-11.)

1489.08 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, shall have the meanings designated within this section.

- (a) "Agent." Any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental unit. The term "person in charge" shall be considered to be synonymous with the term "agent".
- (b) "Approved." Approval by the Code Official, pursuant to this Code, or approved by any other person or board designated by the ordinances of the City to give approval regarding the matter in question.

- (c) "Bathroom." A room containing plumbing fixtures including a bathtub or shower.
- (d) "Building." A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
- (e) "City." The City of Solon, Ohio.
- (f) "Code official." The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.
- (g) "Dwelling." A building, or portion thereof occupied by one family for residential purposes as a single-family unit. In no case shall a tent, cabin, recreational vehicle, or other temporary or transient structure or facility be considered a dwelling.
- (h) "Dwelling structure." A building or structure, or a part thereof, that is used or designed or intended to be used for residential purposes. Dwelling structure is synonymous with the term "residential rental unit structure".
- (i) "Dwelling unit." A single unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (j) "Dwelling, multi-family." A structure containing three or more dwelling units, each having direct access to the outside, and/or independent access to a common corridor providing access to the outside.
- (k) "Dwelling, single-family." A building occupied or constructed to be occupied exclusively for residential purposes by one family.
- (l) "Dwelling, two-family." A structure containing two dwelling units, each having direct access to the outside.
- (m) "Effective date." The date at which time this chapter was initially adopted, and any dates of amendments thereto, as adopted by City Council.
- (n) "Equipment support." Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
- (o) "Family." One or more persons related by blood, marriage, adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as a single-family unit.
- (p) "Garbage." The animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.
- (q) "Habitable room." Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes; excluding bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, basement recreation rooms and areas used for kitchen purposes, the Code Official shall determine the portion of the floor area used for kitchen purposes and such portion, so

determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit. The term habitable room shall be synonymous with the words "habitable space".

- (r) "Infestation." The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (s) "Openable area." That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (t) "Occupant." Any person who holds a written or oral lease of, or who actually occupies the whole or part of such building or land, either alone or with others, on a permanent basis. A person visiting the primary registered occupant(s) of a rental unit on a short term basis, and who otherwise holds effective, legal, and permanent occupancy elsewhere shall not be considered to constitute an occupant of the property. However, any such person(s) that utilize the address of the rental unit in question in order to access City or community services that are otherwise reserved exclusively to the residents of the City of Solon shall be considered to be, and must qualify as, an occupant of the premises.
- (u) "Operator." Any person who has charge, care or control of a structure or premises which is offered for occupancy.
- (v) "Owner." Any person, legal entity, or otherwise who holds fee simple title to the property. The person, legal entity, or otherwise who is shown on the records of the Cuyahoga County Recorder to be the owner of the particular property shall be presumed to be the owner in control of that property; including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (w) "Pest elimination." The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by other approved pest elimination methods.
- (x) "Premises." A lot, plot or parcel of land, easement or public way, including any structures thereon.
- (y) "Public way." Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- (z) "Residential rental unit." A dwelling unit that is occupied by persons who are not the owners of that unit, or any currently unoccupied space that is designed or intended to be occupied by persons who are not the owners of the unit. If the unit is owned by a corporation or partnership and the occupier is less than fifty percent owner of the unit this Code shall apply.
- (aa) "Rubbish." Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

- (bb) "Use." Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building, or other structure or on a tract of land.
- (cc) "Toilet room." A room containing a water closet or urinal but not a bathtub or shower.
- (dd) "Workmanlike." Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
(Ord. 2011-111. Passed 9-7-11.)