

CITY OF BROOKLYN, OHIO
ORDINANCE NO. 2011 - 53
INTRODUCED BY:

ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE
CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND
STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES
AND FACILITIES AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES
ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE
CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN
OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH STRUCTURES;
KNOWN AS THE PROPERTY MAINTENANCE CODE

WHEREAS, the Council and the Administration have determined that it is in the best interest of the City of Brooklyn to protect the public health, safety, and welfare in all existing structures, residential and non-residential, and on all existing premises by establishing minimum requirements and standards for premises, structures, buildings, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing structures and premises and providing for administration, enforcement and penalties.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKLYN, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Pursuant to Ohio Revised Code 731.231, there is hereby adopted for the purpose of establishing Rules and Regulations, that certain Code known as "The 2009 International Property Maintenance Code, as published by the International Code Council, Inc." and is hereby adopted, as amended below, as the Property Maintenance Code of the City of Brooklyn, in the State of Ohio; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as is fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in SECTION 3 of this Ordinance. A complete copy of such Code shall be kept on file at the offices of the Clerk of Council and the Building Commissioner.

SECTION 2. This Ordinance hereby repeals Ordinance No. 2005 -16 which was adopted February 28, 2005.

SECTION 3. That the International Property Maintenance Code is amended and revised in the following respects:

Section 101.1 INSERT: City of Brooklyn

Section 102.3 AMEND: Application of other codes

is hereby amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the Ohio Building Code, Residential Code of Ohio, International Fuel Gas Code, Ohio Mechanical Code, and NFPA 70. Nothing in the code shall be construed to cancel, modify or set aside any provision of the City of Brooklyn Zoning Code.

Section 106.4 AMEND: Violation penalties

~~Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

is hereby amended to read as follows:

Section R106.4 Violation penalties. No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant shall erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one, two or three-family dwelling in the City or cause or permit the same to be done, contrary to or in violation of any provision of this Code.

Whoever violates any provision of this Chapter or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. Each day during which non-compliance or a violation continues shall constitute a separate offense. The City may also employ civil remedies including but not limited to seeking an injunction to abate nuisances and/or violations.

Section 111.2 AMEND: Membership of Board

~~Section 111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

is hereby amended to read as follows:

Section R111.2 Membership of Board: R111.2 Membership of Board. All persons shall have the right to appeal the Building Official's decision concerning matters pertaining to property maintenance, building construction, and local zoning decisions to the City of Brooklyn Board of Zoning Appeals.

Section 201.3 AMEND:

is hereby amended to read as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Ohio Building Code, Ohio Fire Code, City of Brooklyn Zoning Code, Ohio Plumbing Code, Ohio Mechanical Code, International Fuel Gas Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Section 302.1 INSERT: Subsections 302.1.1 and 302.1.2:

302.1.1 Maintenance of construction and building sites. No construction or demolition contractor shall fail to provide onsite refuse receptacles, bulk containers or detachable units for loose debris, paper, building material waste, scrap building materials and other refuse produced by those working on the site. All such materials shall be containerized by the end of each day and the site shall be kept in a reasonably clean and sanitary condition. The number of refuse receptacles, containers, bulk containers or detachable units shall be determined by the size of the job. Dirt, mud, construction materials or the debris deposited upon any public

or private property as a result of the construction or demolition shall be immediately removed by the contractor. The construction site shall be kept clean and orderly at all times.

302.1.2 Temporary sanitary facilities. Sanitary facilities shall be maintained for the occupants and construction employees during construction, remodeling, or demolition activities or approved alternative facilities shall be provided. Temporary sanitary facilities shall be located a minimum of twenty (20) feet from all property lines, maintained clean and sanitary, and removed as soon as permanent facilities are available.

Section 302.2 Amend Grading and Drainage:

~~302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.~~

is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No person shall alter the existing yard grade in such a manner as to create a public nuisance, and/or cause the flow of surface water to adjacent property. Drainage and grading plans shall be submitted, and a permit shall be obtained from the Building Commissioner prior to raising the existing yard grade higher than adjacent properties.

Exception: Approved retention areas and reservoirs.

Section 302.3 INSERT Subsection 302.3.1:

302.3.1 Replacement driveways and sidewalks. Driveways and sidewalks shall conform to standards listed below:

1. Grades for the public sidewalks shall be sloped to the curb at the rate of one eighth (1/8") inch per foot where possible. The work shall not be less than four (4") inches thick and shall have contraction joints installed by the use of a jointer trowel at distances not larger than six (6') feet.
2. The public sidewalk shall have an aluminum float finish, be edged with an edging trowel, and shall have one half (1/2") inch expansion joints every thirty (30') feet.
3. The public apron and the adjacent portion of the sidewalk at the driveway shall be six (6") inches thick.
4. Wire reinforcing mesh is not permitted in the public sidewalk and apron.
5. Positive drainage shall be provided to prevent accumulation of surface water, and surface water shall not drain to adjacent property or create a nuisance.
6. Fresh concrete shall be protected from adverse weather conditions, and an approved concrete sealing agent shall be spray applied promptly.
7. Asphalt may be used in lieu of concrete for private sidewalks and driveways only. No asphalt may be used on the public sidewalks or aprons, except for replacement of existing asphalt aprons with the approval of the City of Brooklyn Service Director.

PARAGRAPH 302.4	INSERT:	<u>Six (6) inches in height</u>
PARAGRAPH 304.1	INSERT:	<u>April 1 to October 31</u>
PARAGRAPH 602.3	INSERT:	<u>October 1 to April 30</u>
PARAGRAPH 602.4	INSERT:	<u>October 1 to April 30</u>

Chapter 5 and 6 AMEND: International Plumbing Code to read:
Ohio Plumbing Code

Chapter 6 AMEND: ICC Electrical Code to read:
National Electrical Code, NFPA 70

Chapter 7 AMEND: International Building Code to read:
Ohio Building Code

Chapter 7 AMEND: International Fire Code to read:
Ohio Fire Code

SECTION 4. That this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

ADOPTED: 9/26/11

ATTESTED:

Mary Jo Barish
Assst. Clerk of Council

APPROVED:

Robert W. Butler
MAYOR

James P. ...
PRESIDENT OF COUNCIL

Filed with the Mayor: 9/27/11