



## CITY OF PAINESVILLE RENTAL DWELLING REGISTRATION CHECKLIST



### STEPS TO REGISTER YOUR RENTAL DWELLING/S

- 1) Obtain rental dwelling registration packet at the Community Development Department, 66 Mentor Avenue, Painesville, Ohio 44077. The packet will contain the following information:
  - a) Step by step checklist to register rental properties
  - b) Ordinance 8-09 and 10-11 which establish and modify respectively, the Rental Dwelling Registration Program
  - c) Rental Dwelling Registration Form
  - d) Rental Dwelling Registration Informational Pamphlet
  - e) Crime Free Rental Housing Information
  - f) Painesville Property Maintenance Code

You may also obtain the Rental Dwelling Registration Form on-line at [www.painesville.com](http://www.painesville.com) . From the City's home page, follow the links to access the registration packet: >City Departments >Community Development >Building >Rental Dwelling Registration Information.

- 2) Complete "Rental Dwelling Registration Form" for **all** rental properties that you own and return to the Community Development Department. Call (440) 392-5931 if you have questions regarding the form.
- 3) When you submit the registration form to Community Development, they will provide you with a receipt showing proof that each property you own has been registered.
- 4) Take the receipt to the Police Department and register to participate in the 4-hour Crime Free Rental Housing Seminar. You may also contact the Police Department at (440) 392-5840 with any additional questions regarding, or to schedule, the seminar.
- 5) Attend the Crime Free Rental Housing Seminar.
- 6) Within 30 days of completing the Crime Free Rental Housing Seminar, staff from the City of Painesville will conduct a crime prevention inspection or CPTED of your rental properties.
- 7) At the completion of the 30 day period, you may pick up the crime prevention inspection report and/or elect to have it e-mailed to you. This will be determined at the Crime Free Seminar.
- 8) The City of Painesville will issue a certificate of registration upon successful completion of the Crime Free Rental Housing Seminar, registration of rental dwellings and a passing crime prevention inspection.

**ORDINANCE NO.**

**AN ORDINANCE ENACTING CHAPTER 1373 OF THE PAINESVILLE CODE OF 1998, RELATING TO HOUSING CODE and DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Chapter 1373 of the Painesville Code of 1998 is hereby enacted to read as follows:

**1373. RENTAL DWELLING REGISTRATION**

**1373.01 COMPLIANCE REQUIRED—APPLICATION OF CHAPTER.**

(a) No person shall occupy as occupant or as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following provisions of this chapter.

(b) This chapter applies to rental dwelling units located within the City, including governmental or public agencies acting as landlords, but shall not apply to the following arrangements:

- 1) Occupancy in a rental unit owned and operated by a college or university for the purpose of use as a dormitory;
- 2) Occupancy by the purchaser of a dwelling unit under a contract of sale;
- 3) Transient occupancy in a hotel, motel or other similar lodgings;
- 4) Owners who reside in a single-family dwelling unit but who wish to lease to individuals or family members while they are absent from the City for short periods of time, not to exceed one year, and who intend to return to their single-family dwelling unit at the expiration of the lease period;
- 5) Owners who occupy the premises, rent to one occupant, and share common bathroom and kitchen facilities with the occupant.
- 6) Occupancy in nursing homes and assisted living facilities;

**1373.02 INVENTORY AND DAMAGE LISTS—SECURITY DEPOSITS.**

(a) The owner or his agent shall contact the occupant and arrange a joint inspection of the premises to occur within ten days of occupancy of the rental unit. The owner or his agent and the occupant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement.

(b) The owner or his agent shall contact the occupant and arrange a joint inspection of the premises to occur at the end of the occupancy and prior to the occupancy of the next occupant. Any damages to the rental unit shall be noted on the inventory and damage list, and the list shall thereupon be signed by the parties. If the parties can agree to the cost of repair, such portion as is due the occupant shall be refunded within thirty days after termination of the rental agreement and delivery and possession.

(c)

- 1) The owner or his agent shall have a duty to initiate the joint inspections; however, both the owner or his agent and the occupant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections. In the event the owner or his agent is unable to schedule an inspection with the occupant through contacting the occupant by telephone, personal message

or personal contact, the owner or his agent may show compliance with this section by producing the following: a carbon copy of a letter to occupant stating the time and place of inspection; and, a normal business record showing that this letter was mailed to the occupant by first class mail at least two days prior to the date of the inspection.

2) If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed and dated inspection report any damages that exceed normal wear and tear. A copy of the report shall be provided to the tenant.

(d) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and the two subsequent lease periods, or for a period of four years, whichever is less.

### **1373.03 DISCLOSURE.**

(a) A party signing a tenancy agreement as owner shall disclose therein or in a separate writing furnished to the occupant at or before the commencement of tenancy the name and usual address of each person who is:

- 1) Authorized to manage the premises; and
- 2) An owner of the premises or his agent who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.

(b) The information required by this section shall be kept current. The provisions of this section shall extend to and be enforceable against any successor owner or manager.

(c) In addition, the owner or owner's agent shall provide to each occupant, at or before the commencement of occupancy, a summary of the tenants' and owners' rights and responsibilities.

(d) The Community Development Department shall furnish, upon request, to each registered owner or owner's agent of rental property subject to this chapter a copy of the Painesville Property Maintenance Code.

### **1373.04 REGISTRATION OF RENTAL DWELLINGS REQUIRED.**

(a) No owner of real estate within the City shall use real estate for the purpose of erecting or maintaining a rental dwelling thereon without registering such property with the Community Development Department of the City. Applications for registration shall be filed with the Community Development Department and accompanied by the registration fee listed below. Such application shall be made at least thirty (30) days prior to the expiration of the registration, and shall include the following information:

- 1) Name, address and contact information of owner;
- 2) Name, address and contact information of mortgage holder;
- 3) Legal address of the property;
- 4) Brief description of type and number of rental unit(s); and,
- 5) Name, address and contact information of designated local agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the state. Any owner who does not reside within Lake County or within 10 miles of Painesville City limits shall be required to designate such an agent.

(b) The registration form shall be signed by the owner.

(c) Whenever ownership of a rental unit changes, the new owner shall register the property within 30 days of the transfer of ownership.

(d) Notification of the owner or his agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this chapter.

(e) The registration of a rental dwelling shall be good for a three (3) year period and all rental dwellings within the City of Painesville are required to be registered with the Community Development Department. The period for compliance is February 15, 2011. At that time, all rental dwellings must be registered with the Community Development Department of the City.

(f) Each permit and renewal shall expire either on the 15<sup>th</sup> day of February in the third year following the issuance of the permit. It shall be filed with the Community Development Department.

(g) In order to register a rental dwelling, the owner or the designated local agent must provide proof that they have completed the Crime Free Multi-Family or Crime Free Residential Rental Program offered by the City of Painesville Police Department.

(h) The fee for registering rental dwelling units shall be based on the number of units owned within the City limits and is as follows:

1-3 units	\$10.00
4-10 units	\$15.00
11-50 units	\$25.00
50+ units	\$75.00

Property owners are required to register prior to February 15, 2011. Any owner of a rental dwelling that registers prior to February 15, 2011 shall have three (3) years from the deadline to renew the rental dwelling registration. Thus, their registration fee will be waived until February 15, 2014. Fees will not be prorated given the three (3) year duration.

(i) Upon completion of the registration form, the City of Painesville shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable and state the following: the date of issuance; the address of the rental dwelling and the name, if an apartment building, of the residential rental property owner; the names(s) of the rental manager(s); and the number of dwelling units located with the rental dwelling.

**1376.05 PROPERTY MAINTENANCE.**

Owner's registering properties are required to maintain their properties in accordance with minimum standards of the City of Painesville Codified Ordinances, Chapter 1367 – Housing Code and Chapter 1349 – Property Maintenance Code.

**1373.06 VIOLATION**

(a) It is unlawful for any person to provide false information on the prescribed registration form.

(b) It shall be a violation of this chapter for any owner to maintain a rental unit, which has not been registered in accordance with this section.

**1373.07 PENALTY.**

Any person, firm or corporation or his or their agents who violates any provisions of this chapter or who fails or refuses to abide by the terms issued pursuant to this chapter is guilty of a misdemeanor in the fourth degree for each offense. A separate offense shall be deemed committed each day during which a violation continues.

**1373.08 SEVERABILITY.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter, which can be given effect without the invalid provision, or application, and to this end, the provisions of this chapter are severable.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to adopt and enforce the Housing Code, and therefore, this Ordinance shall become effective immediately.

PASSED:

/s/

\_\_\_\_\_  
Joseph Hada, Jr.

President of Council

ATTEST:

/s/

\_\_\_\_\_  
Jennifer Bell, CMC  
Clerk of Council

ORDINANCE NO. 10-11

AN ORDINANCE AMENDING SECTIONS 1373.01, 1373.04, AND  
1373.045 OF THE PAINESVILLE CODE OF 1998, RELATING TO  
RENTAL DWELLING REGISTRATION.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

**SECTION I.** That Sections 1373.01, 1373.04, and 1373.045 of the Painesville Code of 1998 is hereby amended to read as follows:

1373.01 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

- (a) No person shall occupy as occupant or as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following provisions of this chapter.
- (b) This chapter applies to rental dwelling units located within the City, including governmental or public agencies acting as landlords, but shall not apply to the following arrangements:

- (1) Occupancy in a rental unit owned and operated by a college or university for the purpose of use as a dormitory;
- (2) Occupancy by the purchaser of a dwelling unit under a contract of sale;
- (3) Transient occupancy in a hotel, motel or other similar lodgings;
- (4) Owners who reside in a single-family dwelling unit but who wish to lease to individuals or family members while they are absent from the City for short periods of time, not to exceed one year, and who intend to return to their single-family dwelling unit at the expiration of the lease period;
- (5) Owners who occupy the premises, rent to one occupant, and share common bathroom and kitchen facilities with the occupant;
- (6) Occupancy in nursing homes and assisted living facilities.
- (7) Immediate family members related by blood, marriage, or adoption to or under the legal custody of the owner of the dwelling unit.

1373.04 REGISTRATION OF RENTAL DWELLINGS REQUIRED.

(a) No owner of real estate within the City shall use real estate for the purpose of erecting or maintaining a rental dwelling thereon without registering such property with the Community Development Department of the City. Applications for registration shall be filed with the Community Development Department and accompanied by the registration fee listed below. Such application shall be made at least 30 days prior to the expiration of the registration, and shall include the following information:

- (1) Name, address and contact information of owner;
  - (2) Name, address and contact information of mortgage holder;
  - (3) Legal address of the property;
  - (4) Brief description of type and number of rental unit(s); and,
  - (5) Name, address and contact information of designated local agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any agent so designated shall be within the State. Any owner who does not reside within Lake County or within ten miles of Painesville City limits shall be required to designate such an agent.
- (b) The registration form shall be signed by the owner.
- (c) Whenever ownership of a rental unit changes, the new owner shall register the property within 30 days of the transfer of ownership.
- (d) Notification of the owner or his agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this chapter.

(e) The registration of a rental dwelling shall be good for a three-year period and all rental dwellings within the City of Painesville are required to be registered with the Community Development Department. The initial period for compliance is **February 15, 2011**. At that time, all rental dwellings must be registered with the Community Development Department of the City.

(f) Each permit and renewal expires on the fifteenth day of February in the third year following the issuance of the permit; it shall be filed with the Community Development Department.

(g) ~~In order to register a rental dwelling, t~~The owner or the designated local agent must provide proof that they have completed the Crime Free Multi-Family or Crime Free Residential Rental Program offered by the City of Painesville Police Department within 3 months of registering a dwelling/s.

(h) The fee for registering rental dwelling units shall be based on the number of units owned within the City limits and is as follows:

- |     |                     |          |
|-----|---------------------|----------|
| (1) | One to three units: | \$10.00. |
| (2) | Four to ten units:  | \$15.00. |
| (3) | Eleven to 50 units: | \$25.00. |
| (5) | Fifty+ units:       | \$75.00. |

Property owners are required to register prior to February 15, 2011. Any owner of a rental dwelling that registers prior to February 15, 2011 shall have three years from the deadline to renew the rental dwelling registration. Thus, their registration fee will be waived until February 15, 2014. Fees will not be prorated given the three-year duration.

(i) Upon completion of the registration form, the City of Painesville shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be nontransferable and state the following: the date of issuance; the address of the rental dwelling and the name, if an apartment building, of the residential rental property owner; the names(s) of the rental managers; and the number of dwelling units located with the rental dwelling.

1373.045 FAILURE TO REGISTER BY DEADLINE.

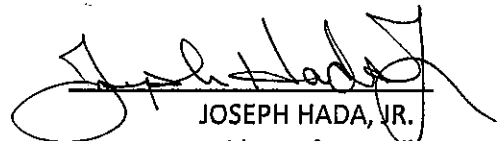
(a) Failure to register any and all rental dwellings by February 15, 2011 and attend the Crime Free Residential Rental Program within 3 months of registering a rental dwelling/s shall result in the registration fee in Section 1373.04 (h) plus a late fee of \$100.00 to be collected by the Community Development Department. The late fee shall go into effect May 16, 2011.

(b) Failure to renew a registration as required by Section 1373.04 (h) or to register a property as required by 1373.04 (c) shall result in a late fee of \$250.00 plus the registration fee outlined in Section 1373.04 (h).

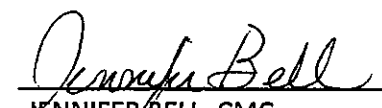
**SECTION II.** That this Ordinance is passed and adopted for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this ordinance shall be effective at the earliest date allowed by law.

PASSED: February 7, 2011

EFFECTIVE DATE: March 9, 2011

  
JOSEPH HADA, JR.  
President of Council

ATTEST:

  
JENNIFER BELL, CMC  
Clerk of Council



**CITY OF PAINESVILLE  
RENTAL DWELLING REGISTRATION FORM**

Dear Rental Property Owner:

Pursuant to the City of Painesville Ordinance 8-09, "Rental Dwelling Registration" either a rental property owner or the owner's local agent shall register all rental properties with the City of Painesville. In the case of a transfer of ownership, or change in owner's local agent, or change in the number of rental units, or change in the dwelling occupancy from owner occupancy to rental tenant occupancy, the rental property owner or owner's local agent shall complete and submit a registration form for each and every residential unit affected by the transfer.

Please complete the supplemental registration form for each residential property address.

**Check one of the following that applies:**

**Requirement to update information.** Within thirty (30) days of the transfer of ownership, or change in owner's local agent, or change in the number of rental units, or change in the dwelling occupancy from owner occupancy to rental tenant occupancy, the rental property owner or owner's local agent shall complete and submit a registration form for each and every rental property affected by the transfer.

- New rental registration       Renewal       Change of Owner's Local Agent
- Change of Owner       Change of Address/Phone       Change in Number of Units
- Change from Owner to Rental Tenant Occupancy

**Section I: Property Owner Information (Required)**

**(Property Owner refers to person or persons with legal title to the property.)**

Ownership Type (Please Circle): Sole Proprietorship | Partnership | Corporation | Trust | Other

**If Sole Proprietorship or Individual Owner, please complete the following:**

Property Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**If Partnership, Corporation, Trust or Other, complete the following for one partner, officer or trustee:**

Tax ID Number of Partnership or Corporation: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**(MORE ON NEXT PAGE)**



**Section II: Designation of Owner's Local Agent/Rental Manager (Required)**

*(Required if Owner does not reside in Lake County or within ten (10) miles of the Painesville City Limits; or when the owner is a Corporation, Partnership, trust or other legal entity.)*

Name of (Please Circle): Management Company | Operator | Agent | Contact Person:

Name of Owner's Local Agent or Management Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ After Hours Contact Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Ohio Real Estate License Number: \_\_\_\_\_

Tax ID Number of Partnership or Corporation: \_\_\_\_\_

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**Section III: Mortgage Holder (This section is OPTIONAL)**

**Mortgage Holder (for additional Mortgage Holders, please list on a separate sheet):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**Questions:**

- a. Does the property owner or rental manager conduct criminal background checks on each and every tenant?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- b. Does a written lease exist for each and every rental property and unit dwelling thereon?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- c. Does a written lease addendum commonly known as a "Drug Free/Crime Free Lease Addendum" exist for each and every written lease?  
Yes \_\_\_\_\_ No \_\_\_\_\_

I hereby apply for a Rental Dwelling Registration (due once every 3 years) and I acknowledge that the information above is **complete and accurate**. I have read and understand Ordinance 8-09 for operating a rental dwelling in the City of Painesville and agree to comply with these requirements. I understand that this is not a rental housing license, but only a registration of the rental unit(s) operated within the City of Painesville.

\_\_\_\_\_/\_\_\_\_\_  
**Applicant's Signature** **Date**

**CITY OF PAINESVILLE  
RENTAL DWELLING REGISTRATION  
SUPPLEMENTAL FORM**

(This page may be duplicated as needed)

- 1) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_
  
- 2) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_
  
- 3) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_
  
- 4) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_
  
- 5) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_
  
- 6) Address: \_\_\_\_\_  
Type: Single Family (    )  
      Duplex            (    )  
      Multi-Family (    ) number of units if multi-family \_\_\_\_\_

Property Owner Name from Page 1: \_\_\_\_\_

**FOR INTERNAL USE ONLY**

Zoning:    1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_

Amount Paid: \_\_\_\_\_ Check #: \_\_\_\_\_

Certificate Issued: 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_

Date Issued: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ Processed by: \_\_\_\_\_

Proof of completion of Crime Free Housing: \_\_\_\_\_



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Troy Hager, Chief of Police  
28 Mentor Ave. • P.O Box 601 • Painesville, Ohio 44077 • 440.392.5840 • [www.painesville.com](http://www.painesville.com)  
Mission Statement: "To Provide Quality and Responsive Police Services"

## **Crime Free Rental Housing Training**

### Keep Illegal Activity Out of Rental Property

The Crime Free Rental Housing Program is a, state-of-the-art, crime prevention program designed to reduce crime, drugs, and gangs on small rental properties. The program was developed in 1992 by the Mesa, Arizona Police Department. Over 1700 communities in 44 states and 4 Canadian provinces have been trained in Crime Free. The information contained in the seminar is a compilation of experience and proven methods from professional rental property managers, lawyers, and police officers.

The crime Free Rental Housing Program consists of a 4-hour Seminar that is a requirement of the Painesville City Rental Dwelling Registration Ordinance 1373.01.

Seminar topics include:

- Explanation of the City of Painesville's Criminal Activity Nuisance ordinance
- Overview of community policing and city resources available to assist you
- Explanation of the Crime Free Lease Addendum with samples provided
- Crime Prevention and Risk Management
- CPTED (Crime Prevention Through Environmental Design) overview
- Applicant Screening, Active Property Management, and Working with the police
- City of Painesville rental issues/inspections/miscellaneous ordinances

Valuable handouts and resource information

**To reserve your spot in an upcoming Seminar please go to The Painesville Police Dept or call 440-392-5840.**

All Seminars will be held at the Painesville Municipal Court House located at 7 Richmond Street, Painesville

# **PAINESVILLE PROPERTY MAINTENANCE CODE**

## **1349.01 PURPOSE AND INTENT.**

This Code shall be known as the "Property Maintenance Code of Painesville". The purpose of this Code is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of residential and nonresidential structures and premises; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to fix penalties for violation of this Code. (Ord. 4-85. Passed 2-19-85.)

## **1349.02 VALIDITY.**

The provisions in this Property Maintenance Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein. In the event of conflict between any provisions of this Code, including any rules and regulations adopted pursuant to this Code, and any provisions of the Codified Ordinances or other ordinances of the City, including rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail. Any repairs or alterations to a structure, or changes of use herein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the Building Code of the City.

If any section, subsection, paragraph, sentence, clause or phrase of this Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable

(Ord 4-85. Passed 2-19-85.)

## **1349.03 APPLICABILITY.**

This Property Maintenance Code shall apply to all structures and premises within the City. (Ord 4-85. Passed 2-19-85.)

## **1349.04 DEFINITIONS.**

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory.

- (a) "Deterioration" means the condition or appearance of the exterior of a building or part thereof, characterized by holes, breaks, rot, crumbling, or cracking, peeling, rusting or other evidence of physical decay, neglect or lack of maintenance.
- (b) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building.
- (c) "Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (d) "Infestation" means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (e) "Landscaping" means the decorative and functional alteration and planting of grounds as part of a developed building site.
- (f) "Nuisance" means that which is defined by the statutes of the State and declared thereby to be a nuisance, and also includes conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist; where the conditions are perilous by active and negligent operation thereof; and unsanitary conditions or anything offensive to the senses or dangerous to health.
- (g) "Occupant" means any person living and sleeping in a dwelling unit or having actual possession of such dwelling unit or any person who leases or rents a nonresidential building, structure or any portion thereof.
- (h) "Owner" means any person, who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care or control as owner or agent of the owner; or as executor, administrator, trustee, receiver or guardian of an estate; or as a mortgagee in possession.
- (i) "Person" includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.
- (j) "Premises" means a lot, plot or parcel of land, including the buildings or structures thereon.

(k) "Property Maintenance Officer" means the Building Official of the City or his duly designated representative.

(l) "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes including but not limited to garbage, rubbish, ashes, dead animals and industrial wastes; an accumulation of brush, broken glass, stumps, and roots that present a safety hazard; and includes garbage, trash and debris which present an unsanitary and/or safety hazard.

(m) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics and similar materials.

(Ord 4-01. Passed 2-5-01.)

## **RESIDENTIAL STRUCTURES**

### **1349.05 MAINTENANCE RESPONSIBILITY.**

No owner, agent or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance.

The owner shall be responsible for ensuring that premises are maintained in good repair and appearance in compliance with this Property Maintenance Code. Occupants shall be responsible for maintaining in a clean and sanitary condition those premises or portion thereof which they occupy and/or control. In the case of commonly held properties associated with condominium, or similar projects, it shall be the responsibility of the designated homeowner association or similar organization to maintain those items which are under their direct ownership or control. (Ord. 4-85. Passed 2-19-85.)

### **1349.06 MAINTENANCE REQUIRED.**

All exterior parts of every dwelling structure and accessory structures, including decorative additions, chimneys, fences and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weathertight, and so as to resist decay or deterioration from any cause. Any dwelling structure or accessory structure whose exterior surface is deteriorated must be repaired or razed.

(Ord 4-85. Passed 2-19-85.)

### **1349.07 FOUNDATIONS.**

All foundations of every dwelling structure shall be structurally sound, in good condition, and maintained so as to prevent the accumulation of water within the space enclosed by such foundation (Ord 4-85. Passed 2-19-85.)

### **1349.08 STAIRS, PORCHES AND BALCONIES.**

Every stair, porch, balcony and all appurtenances attached thereto shall be kept in sound condition and good repair so as to be safe to use and capable of supporting the loads to which it is subjected. (Ord 4-85. Passed 2-19-85.)

### **1349.09 ROOFS, GUTTERS AND DOWNSPOUTS.**

All roofs of every dwelling structure shall be maintained weathertight and in sound condition and shall be equipped with gutters and downspouts which outlet in an approved manner. On all structures where gutters are present they shall be maintained free of debris and vegetation and in sound condition. (Ord. 3-03. Passed 2-18-03.)

### **1349.10 EXTERIOR WALLS.**

(a) All buckled, rotted, or decayed walls, doors, windows, porches, floors, steps, trim, railings and their missing members, must be replaced and put in good condition. All replacements must be permanent and must match or be compatible with original design.

(b) All exterior wood or exterior unfinished surfaces must be sealed and painted or surface-coated with other approved protective coating or treated to prevent rot or decay, and conform and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or having weathered due to lack of proper protective covering.

- (c) Exterior surfaces weathered with dirt and grime, or which are peeling or flaking, shall be cleaned, painted or resurfaced.
- (d) Structures shall be maintained free of broken or cracked windows and doors, crumbling stone or brick, or other conditions reflective of deterioration or inadequate maintenance.

(Ord. 3-03. Passed 2-18-03.)

### **1349.11 HANDRAILS.**

Every handrail and guardrail shall be firmly fastened and capable of safely supported intended live loads and shall be maintained in good condition.

(Ord. 4-85. Passed 2-19-85.)

### **1349.12 INFESTATION.**

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

(Ord 4-85. Passed 2-19-85.)

### **1349.13 STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIAL.**

There shall not be stored or used at a location visible from the sidewalk, street or other public area, equipment and materials relating to commercial or industrial uses, unless specifically permitted under provisions of the Zoning Ordinance.

(Ord 4-85. Passed 2-19-85.)

## **NONRESIDENTIAL STRUCTURES**

### **1349.14 MAINTENANCE RESPONSIBILITY.**

No owner, agent or occupant of any nonresidential premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance.

The owner shall be responsible for ensuring that premises are maintained in good repair and appearance in compliance with this Code. Occupants shall be responsible for maintaining in a clean and sanitary condition those premises or portions thereof which they occupy and/or control. (Ord 4-85. Passed 2-19-85.)

### **1349.15 MAINTENANCE REQUIRED.**

The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or occupant.

Any structure or accessory structure whose exterior surface is deteriorated, or whose surface is weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating, shall be cleaned, repaired, painted, resurfaced or replaced as follows: all buckled, rotted or decayed walls, doors, windows, porches, floors, roofs, steps, railings, soffits, posts, sills, trim and their missing members shall be replaced and put in good condition; all exterior unfinished surfaces shall be sealed and painted 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; all exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating; all bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner; all new or repaired bare surfaces shall be painted or coated.

(Ord. 3-03. Passed 2-18-03.)

### **1349.16 EXITWAYS.**

All stairs, landings, and porches shall be provided with handrails or guardrails properly maintained to minimize the hazard of falling and shall be kept structurally sound, in good repair, and free from defects. (Ord. 4-85. Passed 2-19-85.)

### **1349.17 AWNINGS AND MARQUEES.**

Any awning or marquee and its accompanying structured members shall be maintained in good repair, and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting

members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or similar materials, such cloth or plastic shall be maintained in good condition. (Ord. 4-85. Passed 2-19-85.)

### **1349.18 EXTERIOR WALLS AND ROOFS.**

The exterior of every structure or accessory structure shall be kept in good repair and be kept painted. All structures equipped with gutters and downspouts shall be maintained in sound condition and free of debris and vegetation. All surfaces shall be maintained free from broken or cracked glass, loose shingles, crumbling stone or brick, excessive peeling paint or any other condition reflective of deterioration or inadequate maintenance. In the event repairs become necessary, such repairs shall be made to match and conform to the original design and materials and shall be accomplished in a manner as to permanently repair the damaged area or areas.

(Ord. 3-03. Passed 2-18-03.)

### **1349.19 INFESTATION.**

All structures and the premises thereof shall be maintained free of vermin, rodents and other pests, and free of sources of breeding, harborage and infestation by such vermin, rodents and other pests. (Ord. 4-85. Passed 2-19-85.)

### **EXTERIOR PROPERTY AREAS: RESIDENTIAL AND NON-RESIDENTIAL 1349.20 PREMISES TO BE MAINTAINED.**

No owner or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any of the following:

- (a) Broken or dilapidated fences, walls or other structures;
- (b) Rugs, rags or other materials hung on lines, or in other places on the premises, which materials are not being used for general household or housekeeping purposes;
- (c) Broken, dilapidated or unusable furniture, mattresses or other household furniture, broken glass, plastic materials, paints, miscellaneous coverings, rubbish, garbage, refuse and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses;
- (d) Rubbish, garbage and refuse must be located in a container in accordance with Chapter 955 of the Painesville Code of Ordinances.

(Ord. 3-03. Passed 2-18-03.)

### **1349.21 RANK VEGETATION AND LANDSCAPE FEATURES.**

Lawns and landscaping on private property and as well as within a public right of way shall be kept from becoming overgrown and unsightly and shall be maintained so as not to constitute a blighting or deteriorating effect on the surrounding neighborhood. Rank vegetation and landscaping features may not obstruct the vision of motorists and pedestrian traffic on or near public roads.

(Ord 4-01. Passed 2-5-01.)

### **1349.22 DEAD TREES AND BRANCHES.**

No owner or occupant of any premises shall permit a dead tree to stand so near to a public sidewalk or roadway as to endanger users thereof, should all or part of it fall. No such owner or occupant shall permit a dead branch to overhand a public sidewalk or roadway. (Ord 4-85. Passed 4-19-85.)

### **1349.23 PARKING LOTS.**

- (a) Parking lots shall be kept in a safe condition, free from chuck holes, depressions, large cracks and disintegrated or deteriorated areas. Parking lots which are not hard surfaced shall also be kept free from dust. Where necessary for traffic safety, painted striping shall be provided and shall be visible and maintained in good condition.
- (b) Driveways and driveway aprons shall be kept in good repair and safe condition. (Ord. 4-85. Passed 4-19-85.)

### **1349.231 SIDEWALKS.**

No owner or occupant having the control of any lot of land abutting upon a public sidewalk within the City shall permit the sidewalk abutting the premises to be in disrepair or subject to obstructions or nuisance. (Ord. 40-88. Passed 9-6-88.)

## **ADMINISTRATION AND ENFORCEMENT**

## **1349.24 PROPERTY MAINTENANCE OFFICER.**

It shall be the responsibility and duty of the Property Maintenance Officer to enforce and administer the provisions of this Code. (Ord. 4-85. Passed 4-19-85.)

## **1349.25 RIGHT OF ENTRY.**

The Property Maintenance Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the City in order that he may perform his duty of safeguarding the health and safety of dwellings and of the general public. For the purpose of making such inspections, the Property Maintenance Officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Property Maintenance Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspections, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

(Ord. 4-85. Passed 2-19-85.)

## **1349.26 RESPONSIBILITIES OF OWNER.**

Owners shall have the duties and responsibilities as prescribed in this Code and no owner shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof. (Ord. 4-85. Passed 2-19-85.)

## **1349.261 RESIDENT AGENT REQUIREMENT.**

(a) Any owner of real estate located in the City and residing outside of the County shall designate a natural person resident of the County as agent for such nonresident owner for the purpose of receiving any and all notices of any violations of laws with relation to the construction, maintenance and/or operation of the real estate or business located thereon.

(b) The owner shall designate a natural person of sound mind over the age of eighteen years as agent as above required and provide the agent's full name, address and telephone number, in writing, to the Building Official of the City. It shall be the further obligation of the owner to notify the Building Official in writing of any change in the name, address or telephone number of the agent designated.

(c) The Building Official is authorized and directed to secure compliance with the within requirements at any time a nonresident applicant seeks a permit for any purpose for property use in the City and to seek out nonresident owners of real estate for compliance with the requirements herein.

(d) Failure of a nonresident owner to comply with the designation of resident agent requirements herein within thirty days of receipt of notice from the Building Official to comply shall constitute a violation of the requirements of this section and shall constitute a misdemeanor punishable under Section 1349.99. (Ord. 7-89. Passed 4-17-89.)

## **1349.27 NOTICE OF VIOLATION**

Where a violation of this Code is found to exist, a written notice from the Property Maintenance Officer shall be served upon the person or persons responsible for the corrections thereof. Such notice shall specify the violation or violations committed, and a reasonable period of time to correct or abate such violation.

Service of such notice shall be by certified mail addressed to the owner and/or occupant at his residence or to the tax mailing address as indicated by the records of the County Treasurer, or by delivery to the residence of the owner and/or occupant or by delivery to such individuals at the premises. (Ord. 4-85. Passed 2-19-85.)

## **1349.28 TIME EXTENSIONS FOR COMPLIANCE.**

Where the owner and/or occupant of a premises is unable to comply with a notice of violation within the time period specified, the owner, within two weeks of the notice of nonconformance, may enter into an agreement with the Property Maintenance Officer detailing a program to abate nonconformance within a reasonable time limit.

(Ord. 4-85. Passed 2-19-85.)

## **1349.29 FAILURE TO COMPLY.**

Whenever the owner and/or occupant of a structure or premises fails, neglects or refuses to comply with any notice of the Property Maintenance Officer within the time period specified in such notice, the Property Maintenance Officer shall proceed as provided in Section 1349.30 or 1349.31, whichever is applicable.

(Ord. 4-85. Passed 2-19-85.)



## **1349.30 ABATEMENT OF VIOLATIONS.**

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of Sections 1349.20 through 1349.23, within the time period specified in such notice, the Property Maintenance Officer shall cause such violation to be corrected, removed or abated. The Property Maintenance Officer may contract with a private person or firm to accomplish such task. The actual cost of bringing the property into compliance plus twenty-five percent (25%) for inspections and administration and other costs in connection therewith shall be billed to the owner. If such bill is not paid within thirty days after submission, then the Director of Finance shall certify such costs to the County Auditor for placement on the tax duplicate to be collected as other taxes for return to the City.

(Ord. 3-03. Passed 2-18-03.)

## **1349.31 PROSECUTION OF VIOLATIONS.**

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of Sections 1349.05 through 1349.19, such owner or occupant shall be considered to be in violation of this Code and the Property Maintenance Officer shall proceed at law to compel compliance and to prosecute such violation.

(Ord. 4-85. Passed 2-19-85.)

## **1349.32 APPEALS.**

Any owner and/or occupant who is served a notice of violation of any of the provisions of Sections 1349.05 through 1349.19, may within ten days of receipt of such notice appeal the findings of the Property Maintenance Officer. Such appeal shall be made by filing with the Board of Zoning Appeals a notice of appeal on forms provided for such purpose. Such appeal shall be scheduled for a hearing before the Board of Zoning Appeals. Fees, notice requirements, procedures for such appeals and hearing shall be as set forth in Chapter 1141 of the Planning and Zoning Code.

(Ord. 3-03. Passed 2-18-03.)

## **1349.33 VACANT BUILDINGS.**

If any structure or part thereof is vacant, the Property Maintenance Officer may order such structure secured so it will not be an attractive nuisance.

Such order shall be served as set forth in Section 1349.27 and shall specify a reasonable time for compliance. Upon failure of the owner to comply within the specified time, the Property Maintenance Officer shall cause the building to be secured using City forces or by contract with a private person or firm and the costs thereof shall be charged against the owner of the property as set forth in Section 1349.30.

(Ord. 4-85. Passed 2-19-85.)

## **1349.99 PENALTY.**

Any person, firm or corporation or his or their agents who violates any provisions of this chapter or who fails or refuses to obey a lawful order of the Property Maintenance Officer issued pursuant to this chapter is guilty of a misdemeanor in the fourth degree for each offense. A separate offense shall be deemed committed each day during which a violation continues.

(Ord. 3-03. Passed 2-18-03.)

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