

ORDINANCE NO. 2008-157

INTRODUCED BY: MAYOR BACCI AND MEMBERS OF COUNCIL, DUSZYNSKI, FARAGONE, HENLEY, SCHAB, SCHOEFFLER AND SUHY

AN ORDINANCE ENACTING CHAPTER 1492 OF THE CODIFIED ORDINANCES ENTITLED "DWELLING CODE" AND REGULATING RESIDENTIAL DWELLINGS IN THE VILLAGE

BE IT ORDAINED by the Council of the Village of Cuyahoga Heights, State of Ohio:

SECTION 1. That Chapter 1492 of the Codified Ordinances, entitled "Dwelling Code," be enacted to read as attached hereto as "Addendum A".

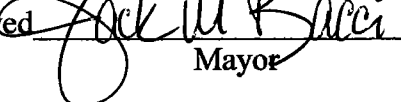
SECTION 2. That Chapter 1492 of the Codified Ordinances, as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 3. This Ordinance shall take effect immediately provided it receives the unanimous vote of all members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 13, 2008


Effective: August 13, 2008

ATTEST:

Approved   
Mayor

  
President of Council

On August 13, 2008

  
Clerk of Council

**CHAPTER 1492  
DWELLINGS CODE**

**1492.01        DEFINITIONS**

Certain words and phrases as used in this Chapter 1492 are defined as set forth in this Section 1492.01.

(a) "Approved" means approved by the Building Commissioner, or by any other person or board designated to give approval to the matter in question, pursuant to this Housing Code or any other section of the Codified Ordinances which so specifies.

(b) "Basement" means a portion of a building partly or entirely underground whose ceiling or under part of the floor above is four (4) feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around the entire exterior of the building.

(c) "Bathroom" means a separate room which contains toilet and lavatory facilities and contains tub and/or shower facilities.

(d) "Building Commissioner" means the individual appointed by the Mayor and charged with enforcing the provisions of the Building and Housing Code, including the authorized agent of such Building Commissioner.

(e) "Communal kitchen" means a kitchen which is used by the residents of more than one (1) dwelling unit or by the residents of a lodging house or cooperative dwelling house, as such terms are defined in the Zoning Code.

(f) "Double house" means a detached dwelling arranged, intended or designed to be occupied by two (2) families only, living side by side with a party wall between.

(g) "Dwelling structure" means a building or structure used or designed or intended to be used, all or in part, for residential purposes.

(h) "Dwelling" means a building intended or designed to be occupied by not more than two (2) families living separately and independently of each other.

(i) "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and consisting of a complete bathroom with toilet, lavatory and tub or shower facilities; one (1) and only one (1) complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities; approved living and sleeping facilities. All of these facilities shall be in contiguous rooms and used exclusively by such family and by any authorized persons occupying such dwelling unit with the family. The words "dwelling unit", "apartment" and "suite" shall be considered synonymous.

(j) "Family" means one (1) individual or a number of individuals related by blood, adoption or marriage to the head of the household or to the spouse of the head of the household, and/or other relationships as provided hereinafter living as a single housekeeping unit in a single dwelling unit. A "single housekeeping group" exists where the group of individuals shares expenses and labor related to the maintenance of the dwelling unit and are living and eating together as a household. Notwithstanding the provisions of this definition, no family unit shall exceed in total number those persons permitted under the applicable provisions of the Housing Code describing required habitable floor and bedroom areas for each occupant.

(k) "Foundation" means construction primarily below grade which provides support for exterior walls or other structural parts of a building

(l) "Habitable floor area" means the floor area in any habitable room in any dwelling structure or multiple dwelling, which floor area is required to be contained within such dwelling structure or multiple dwelling, or part thereof, in order to meet the minimum standards as found in Section 1492.03.

(m) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, including kitchens containing eating space separate from the cooking areas, but excluding the following: kitchens, bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms and basement recreation rooms.

(n) "Kitchen" means a separate room containing a kitchen facility and having as its primary purpose the preparation of food.

(o) "Kitchen facility" means a room or section of a room containing a kitchen sink, a refrigerator and a cooking unit.

(p) "Multiple dwelling" means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

(q) "Nonusable" means having no apparent usefulness either to the construction or maintenance of a dwelling, or to the occupants therein, but not describing a junk motor vehicle.

(r) "Occupant" means a person over one (1) year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or a room.

(s) "Operable window" means an a window which is not painted, nailed or in any other manner prevented from being raised or lowered and which has sash cords or other mechanical devices capable of maintaining any opened window in the opened position. A window without such devices which, nonetheless, remains in an open position shall not be considered operable.

(t) "Operator" means a person who has charge, care or control of a dwelling structure.

(u) "Owner" means the owner of the premises, or one (1) of the owners of the premises if owned by more than one (1) person, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.

(v) "Person" means any person, firm, partnership, association, corporation, company or organization or association of persons of any kind.

(w) "Premises" means a lot, parcel or plot of land including the buildings or structures thereon.

(x) "Sanitary facilities" means those fixtures contained in bathrooms or kitchen facilities, together with the service and disposal systems necessary to proper use of such fixtures.

(y) "Secondary or appurtenant structure" means a structure, the use of which is incidental or accessory to that of the main building and which is attached to the main building or located on the same premises with it.

(z) "Single-family dwelling" means a building having a single dwelling unit, and designed or arranged for use by a single family.

(aa) "Sink" means a fixture other than a toilet or bathtub for supplying, holding and disposing of water

(bb) "Kitchen sink" means a sink, located in a kitchen facility and designed and used primarily for cleaning food and food preparation utensils.

(cc) "Lavatory sink" means a sink, usually located in a bathroom, designed and used primarily for personal cleanliness.

(dd) "Supply or supplied" means paid for, furnished, provided by or under the control of the owner or operator.

(ee) "Two-family dwelling" means a detached dwelling arranged, intended or designed to be occupied by two (2) families only, one (1) of which has its principal living rooms on the first floor and the other of which has its principal living rooms on the second floor.

(gg) "Utility room" means a room, other than a habitable room, containing laundry facilities or heating equipment.

(ff) "Mechanical room" means a room, other than a habitable room, containing a furnace, hot water tank, boiler, or other hydronic equipment.

**1492.02 PURPOSE AND SCOPE**

(a) The purpose of this Chapter 1492 is to establish minimum standards necessary to make all dwelling structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to fix responsibilities for owners and occupants of dwelling structures with respect to sanitation, repair and maintenance; to establish additional standards for multiple dwellings; to authorize the inspection of dwelling structures; and to establish enforcement procedures.

(b) The provisions of this Chapter 1492 shall be supplementary to all other provisions of Village ordinances relating to the construction, use and maintenance of residential buildings and shall apply to all buildings or portions thereof which are used or designed or intended to be used for residential occupancy.

**1492.03 HABITABLE FLOOR AREA STANDARDS**

(a) Every dwelling unit shall contain at least 170 square feet of habitable floor area for the first occupant thereof and at least 120 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable floor area as required by other provisions of this Building and Housing Code.

(b) In addition to the habitable floor area requirements described hereinabove, the number of persons who may occupy any dwelling unit shall be limited by the habitable floor area in rooms designed and used for sleeping purposes in accordance with the following formula:

Number of Persons	<u>Minimum Square Feet of Sleeping Area</u>
One	100
Two	120
Each additional	50

However, no room less than 100 square feet shall be counted in determining habitable floor area designed and used for sleeping purposes unless such room was designed for sleeping purposes and had been fully constructed prior to 2008 in which case such room may be lawfully used for sleeping purposes by one (1) person, provided that the dwelling unit in which such room is located shall otherwise comply with the provisions of this section and with other applicable sections of the Building Code and Planning and Zoning Code of the Village; and may be lawfully used for the purpose of determining habitable floor area, the actual dimensions of each room being used.

**1492.04 RESTRICTIONS FOR HABITABLE ROOMS BELOW GRADE**

No room which has its floor level below grade shall be occupied as a habitable room unless it conforms to all of the following standards, in addition to all other requirements of this Building and Housing Code for habitable rooms:

(a) The walls and floor enclosing the room shall be maintained in such condition as to prevent the accumulation of water into the habitable space.

(b) All required openings for light and ventilation shall be located entirely above the average adjoining grade. However, such openings may face upon an areaway or window well where the width of such well, measured perpendicularly to the building wall at such opening, is not less than the distance from the bottom of the window to the finished grade at such window.

**1492.05 BASEMENT ROOMS PROHIBITED FOR SLEEPING OR KITCHEN PURPOSES.**

(a) No room or space in the basement of any building or structure shall be used as a sleeping room unless such room or space has, in its immediate vicinity, an operable window, door or other similar device that provides a direct means of escape to the outside of the structure and access for rescue in the event of an emergency.

(b) No room or space in the basement of any dwelling shall be used as a kitchen facility.

**1492.06 UTILITY ROOMS PROHIBITED AS GARAGE**

No utility room shall be used as a garage.

**1492.07 SEASONAL WINDOW AND DOOR INSULATION.**

Clear, unprinted plastic sheets intended for and used for insulation purposes may be attached to the interior of the windows and doors of any dwelling from October 1 to May 1 of each year, provided they are installed and maintained so as to prevent the plastic from becoming unattached or torn.

**1492.08 KITCHENS, BATHROOMS AND WATER CLOSET COMPARTMENTS**

Every kitchen, bathroom and water closet compartment shall be provided with light and ventilation as prescribed for habitable rooms, except that in no case shall the aggregate glass area in each room be less than six (6) square feet. However, where an approved exhaust ventilation system and approved artificial light is installed in such a manner as to be in operation at all times when any such room is occupied, no natural light or ventilation shall be required.

**1492.09 DWELLING UNIT REQUIRED SANITARY AND KITCHEN FACILITIES**

(a) Every dwelling unit shall contain within the dwelling unit not less than the following sanitary facilities contained within a room which shall afford privacy to the occupant thereof.

- (1) A toilet;
- (2) A bathtub or shower; and
- (3) A lavatory.

Any additional toilet, bathtub or shower, or lavatory shall also afford privacy to any occupant.

(b) Every dwelling unit shall contain within the dwelling unit one (1) and only one (1) complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities. No such kitchen shall be placed within any toilet compartment or within any bathroom.

#### **1492.10 COMMUNAL KITCHENS PROHIBITED.**

Communal kitchens are prohibited.

#### **1492.11 PLUMBING, PLUMBING FIXTURES AND WATER HEATING FACILITIES.**

(a) Every dwelling unit shall be supplied with plumbing, plumbing fixtures and water heating facilities which are installed in an appropriate manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with hot water under this section. Such water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory tub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (forty-nine (49) degrees Celsius) under normal use at all times.

(b) All plumbing fixtures in a dwelling structure shall be supplied with running water from the Village water supply system.

(c) All sinks, lavatories, tubs and showers shall be supplied with hot and cold running water properly connected to plumbing fixtures.

(d) All plumbing fixtures in a dwelling structure shall be so designed and installed as to prevent contamination of the water supply system and shall be maintained structurally sound and in good repair.

(e) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer.

(f) Any change in the water supply or drainage systems of a dwelling unit shall require that a permit be obtained from the Building Commissioner and/or the Village Engineer pursuant to the provisions of Section 1424.07 of the Building and Housing Code.

**1492.12 RUBBISH AND GARBAGE DISPOSAL.**

Every occupant of a dwelling or dwelling structure shall dispose of all his or her rubbish, garbage and other organic waste in a clean and sanitary manner by placing it in plastic bags of sufficient strength to support the load which it shall contain, which,, when placed outdoors, shall be placed in nonleakable, nonabsorbent, covered garbage storage receptacles or in other approved garbage disposal facilities.

**1492.13 HEATING CAPACITY**

(a) Every dwelling unit shall be provided with heating facilities capable of maintaining an average temperature of sixty-eight (68) degrees Fahrenheit (twenty (20) degrees Celsius), in all habitable rooms, kitchens, bathrooms and lavatory compartments when the outdoor temperature is minus five (-5) degrees Fahrenheit (minus twenty-two (-22) degrees Celsius), without forcing the facilities to operate in excess of their designed capacity.

(b) Any change in the heating system of a dwelling or unit thereof shall require that a permit be obtained from the Building Commissioner pursuant to the provisions of the Building and Housing Code.

**1492.14 SUPPLY OF HEAT.**

(a) The owner, operator, agent or agents in charge of a dwelling structure, who rents or leases any dwelling unit therein under an agreement, expressed or implied, to supply or furnish heat by a permanent heating fixture to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than sixty-eight (68) degrees Fahrenheit (twenty (20) degrees Celsius), in all habitable rooms, bathrooms, water closet compartments and kitchens at all times when the outdoor temperature is minus five (-5) degrees Fahrenheit (minus twenty-two (-22) degrees Celsius) or warmer, without forcing the facilities to operate in excess of their designed capacity. Such inside temperature shall be measured in the approximate center of each room, approximately three (3) feet above the floor. The provisions of this section shall not apply where the failure to meet minimum standards is caused by a general shortage of fuel, neglect or malicious act of the occupant, or any cause beyond the control of the owner or occupant.

(b) Whenever the owner, operator, agent or agents in charge of a dwelling structure, or tenant or tenants of a dwelling unit, shall be using an accessory heating device which produces or may produce carbon monoxide as a by-product of creating heat, such unit shall meet the requirements of Ohio R.C. 3701.82.

**1492.15 FIREPLACE CONVERSION REQUIREMENTS.**

(a) Fireplaces which were designed for gas grills or space heaters shall not be converted to a wood-burning unit unless a chimney expert submits in writing that the hearth is fireproof and the chimney is fire-clay lined and free from leaks and that the combustion chamber is of proper size.

(b) Fireplaces shall be maintained so as to be free from missing mortar and missing or broken bricks. The fireplace damper shall be maintained so as to operate properly.

**1492.16 FLUE CONNECTIONS REQUIRED.**

(a) Every appliance or piece of equipment burning solid, liquid or gaseous fuel, where permitted, shall be connected to an approved smokepipe and flue. However, any appliance approved for use without such connection is exempted from the requirements of this section, except that ventless heating and fireplace appliances are not allowed in any bedroom.

(b) Gas dryers shall be vented to the exterior of the building. All other dryers shall be vented to the exterior of the dwelling unless manufacturer's instructions stipulate an alternative.

(c) Any change in the flue connections of a dwelling or unit thereof may require that a permit be obtained from the Building Commissioner pursuant to the provisions of the Building and Housing Code.

**1492.17 PROHIBITED LOCATIONS OF HEATING EQUIPMENT.**

(a) No heating equipment, including water heaters, which burn solid, liquid or gaseous fuel shall be located in any bedroom, bathroom, toilet room, or any room used for sleeping purposes, or hallways above the first floor, unless specifically approved for such use.

(b) For purposes of this section, "approved" means approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code, adopted by him under Ohio R.C. 3737.22.

**1492.18 ELECTRICAL FACILITIES REQUIRED.**

(a) Every dwelling structure and secondary or appurtenant structure shall be provided with appropriate electrical service, outlets and fixtures, which shall be installed and maintained in an approved manner so as to be free from any potential source or electrical hazard. Such facilities shall be capable of supplying the requirements of lighting, appliances and equipment of the structure concerned.

(b) Any change in the electrical system(s) of a dwelling or unit thereof shall require that a permit be obtained from the Building Commissioner pursuant to the provisions of Section 1426.07 of the Building and Housing Code.

#### **1492.19 AUTOMATIC GAS CONTROL VALVES.**

(a) All gas-fired heating equipment, including water heaters, shall be equipped with approved automatic main gas control valves which will automatically turn off the gas supply in the event of pilot outage, or gas or electrical supply failure.

(b) For purposes of this section, "approved" means meeting the minimum requirements under the National Gas Code for such equipment. All subsequent amendments, alterations, deletions or other changes to the standards, rules or regulations contained therein shall be adopted without ordinance by the Village unless expressly stated otherwise.

(c) In addition to approved automatic main gas control valves, all gas-fired equipment shall have manually controlled shut-off valves.

#### **1492.20 SMOKE DETECTORS REQUIRED**

(a) Every dwelling unit within the Village shall have one approved smoke detector installed outside each sleeping area, in the immediate vicinity of the bedrooms, and an additional detector on each additional story of the family living unit, including basements and finished attics, but excluding unfinished attics and crawl spaces. In new construction, a non-battery, hard wired, battery back-up, interconnected smoke detector shall also be installed in each sleeping room. In rented or leased dwelling units, properly functioning smoke detectors shall be installed by the owner of the premises.

(b) In "split level" dwelling units which contain adjacent levels with less than one full story separation, the installation of a smoke detector on an upper level shall suffice for the next adjoining lower level, unless there is an intervening door between the adjacent levels, in which case a smoke detector shall be installed on each level.

(c) All smoke detectors shall be maintained in working order at all times.

#### **1492.21 MAINTENANCE OF FOUNDATIONS**

(a) All foundations of every dwelling structure shall be free of loose, missing or deteriorated mortar, damaged, loose or missing bricks, flaking tiles and other deteriorated foundation materials.

(b) All foundations of every dwelling structure shall be maintained in such condition as to prevent the accumulation of water within the space enclosed by such foundations.

(c) All areas of the foundations which evidence leaning, bowing or cracking shall be a violation of this Housing Code. However, the receipt of a written evaluation from a registered engineer that the basement condition has stabilized or is not likely to worsen shall be prima-facie proof that a violation does not exist, and such written evaluation shall become a part of the inspection report.

(d) All openings into the foundations of every dwelling structure shall be protected against the entrance of rodents.

**1492.22 MAINTENANCE OF INTERIOR WALLS, FLOORS AND CEILINGS.**

(a) All interior walls, floors and ceilings of every dwelling structure shall be maintained free of damage, including, but not limited to, any physical openings of one-eighth (1/8) inch or greater and/or loose, damaged or deteriorated materials such as paint, wallpaper or plaster. All walls, excluding brick or stone walls, shall have a decorative coating of paint, wallpaper or other protective substance located therein, or thereon, and maintained in a clean and proper condition. Any wall or ceiling which has been plastered or otherwise repaired shall thereafter be painted or papered to match the remaining surface of the wall or ceiling. A wall may be covered with paneling in lieu of paint or wallpaper, but such paneling shall be maintained in good repair and replaced if it becomes severely scratched, faded or damaged.

(b) All floors within every bathroom or lavatory compartment of a dwelling structure shall be made waterproof and nonabsorbent.

(c) All interior floors of every dwelling structure shall be free of weak areas, missing members, water damage, rotted portions and holes.

(d) Hanging, deteriorated or missing interior trim and framing shall be repaired and/or replaced.

**1492.23 INFESTATION BY PESTS.**

All dwelling structures, secondary and appurtenant structures, the premises thereof, and yard areas shall be maintained free from sources of breeding, harborage and infestations by insects, vermin or rodents.

**1492.24 ACCESS AND EGRESS.**

(a) Every dwelling unit shall be provided with direct and approved means of access and egress to the outside of the dwelling structure without passing through any part of any other dwelling unit.

(b) In multiple dwellings, any door which is used in connection with such means of access and egress shall be provided with a lock which can be opened from the inside and in multiple dwellings with four or more units the lock shall be capable of being opened from the inside without the use of a key.

(c) Every dwelling unit which has a means of egress to a porch, deck or roof above the first floor shall be provided with approved railing at the perimeter of the porch, deck or roof area.

**1492.25 REGISTRATION OF VACANT DWELLING STRUCTURES.**

(a) The owner(s) of any dwelling structure that has become vacant, as defined in subsection (d) of this Section 1492.25, shall within sixty (60) days after the structure becomes vacant, or within thirty (30) days after the effective date of this Section 1492.25 whichever is later, register with the Building Commissioner and designate an authorized agent located in Cuyahoga County, Ohio, for each vacant dwelling structure. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the dwelling structure remains vacant and shall pay an annual registration fee of \$50.00 for each registered dwelling structure. The owner shall notify the Building Commissioner within twenty (20) days of any change in the registration information by filing an amended registration statement on a form provided by the Building Commissioner for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Village against the owner or owners of the dwelling structure. The failure of the owner of the vacant dwelling structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section 1492.25. Registration under Section 1492.26 shall not negate the requirement for registration under this Section 1492.25.

(b) If a foreclosure action has been filed with respect to property containing a vacant dwelling structure, the plaintiff in the foreclosure action shall be required to comply with the provisions of this Section 1492.25 if both of the following apply:

- (1) The plaintiff in the foreclosure action is a mortgagee of the property; and
- (2) The plaintiff in the foreclosure action has assumed possession or control of the property.

(c) In addition to any other information required by the Building Commissioner, the registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the authorized agent for receiving, on behalf of such owner or owners, notices of violations of Village ordinances and for receiving process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the dwelling structure, including but not limited to notices and processes served in connection with the enforcement of the Building and Housing Code. The authorized agent must maintain a physical office in Cuyahoga County, Ohio, or must actually reside within Cuyahoga County, Ohio. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this Section 1492.25, the owner is consenting to receive any and all notices of violations of Village ordinances and to receive process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including but not limited to proceedings related to the enforcement of the Building and Housing Code, by service of the notice or process on the authorized agent. Any owner who has designated an

authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Commissioner of Buildings in writing of a change of authorized agent or until the owner files a new annual registration statement.

(d) For purposes of this Section 1492.25, "vacant" means a structure which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful residential occupancy has ceased, or which is substantially devoid of contents. In determining whether a dwelling structure is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the structure or floor area to the occupied space, the condition and value of any items in the structure and the presence of rental or for sale signs on the property; provided that a dwelling structure shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine month period and a person entitled to possession intends to resume residing at the property; and further provided that a dwelling structure containing more than one dwelling unit shall be considered vacant when all of the dwelling units within the structure are vacant. If an owner fails to obtain a Certificate of Rental Property Occupancy for any structure for which a Certificate of Rental Property Occupancy is required pursuant to Section 1494.02, the structure will be presumed vacant.

#### **1492.26 REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS.**

(a) If a dwelling structure located within the Village is owned by a person or persons, none of whom reside within Cuyahoga County, Ohio, the owner(s) of the dwelling structure, within thirty (30) days after the effective date of this Section 1492.26 or within thirty (30) days after obtaining ownership of the dwelling structure, whichever is later, and annually thereafter, shall register with the Building Commissioner on a form prescribed by the Building Commissioner and designate an authorized agent for each dwelling structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office in Cuyahoga County, Ohio, or actually resides within Cuyahoga County, Ohio. By designating an authorized agent under the provisions of this section, the owner is consenting to receive any and all notices of violations of Village ordinances and to receive process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including, but not limited to, proceedings related to the enforcement of the Building and Housing Code, by service of the notice or process on the authorized agent. The failure of the owner of the dwelling structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section 1492.26.

(b) Any owner who has designated an authorized agent under the provisions of this Section 1492.27 shall be deemed to consent to the continuation of the agent's designation for the purpose of this subsection until the owner notifies the Building Commissioner in writing on a form prescribed for such purpose by the Building Commissioner of a change of authorized agent or until the Building Commissioner is notified in writing that an owner of the dwelling structure

is now residing within Cuyahoga County, Ohio, and registration is no longer required under this section.

(c) The registration and annual renewal fees under this Section 1492.26 shall be \$50.00. The registration process under this Section 1492.26 shall be the same as the registration process set forth in Section 1492.25 and as further set forth by the Building Commissioner. Registration under Section 1492.25 will not negate the requirement for registration under this Section 1492.26.

#### **1492.27 INSPECTIONS**

The Building Commissioner and/or his or her authorized representative is hereby authorized to make, or cause to be made, inspections of all dwellings, dwelling structures, and residential premises and secondary or appurtenant structures thereon to determine whether or not such dwelling, structures or premises conform with the Building and Housing Code including this Chapter 1492. Such inspections may be made whenever the Building Commissioner has reasonable cause to believe that a violation of the Building and Housing Code exists therein or thereon.

#### **1492.28 RIGHT OF ENTRY**

Upon presentation of proper credentials, the Building Commissioner and/or his or her authorized representative may request entry to all property areas and into any dwelling, dwelling structures or premises in the Village, at all reasonable times (or at such other times as may be necessary in an existing emergency), to perform any duty imposed upon him or her. If such entry is refused, then entry may be had pursuant to a search warrant issued by a court of competent jurisdiction.

#### **1492.99 PENALTY**

Whoever violates any provision of this chapter shall be subject to the penalty provided in Section 1490.99.