

Council Member Cimperman

FOR INTRODUCTION
December 7, 2015

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 3143, Exterior Walls and Appurtenances, to require inspection of building facades to protect the public safety and welfare from risk of injury that may result from the effects of building deterioration on exterior facades.

WHEREAS, due to age, the elements, lack of maintenance, design or construction errors, or a combination of these factors, building facades deteriorate over time, posing potential unsafe conditions that if unaddressed, can jeopardize public safety and surrounding properties; and

WHEREAS, several cities, including Columbus, Pittsburgh, Detroit, Chicago, New York, Boston, Milwaukee, Philadelphia, and St. Louis, require building owners to periodically inspect certain building facades to help ensure public safety; and

WHEREAS, the City of Cleveland recognizes the need to protect the public safety and welfare of Cleveland’s citizens and visitors from the risk of injury that may result from the effects of building deterioration on exterior facades by requiring building owners to inspect these facades periodically and report their findings; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Chapter 3143 as follows:

CHAPTER 3143, EXTERIOR WALLS AND APPURTENANCES

Section 3143.01 **Definitions**

- (a) “Owner” includes an agent, person or organization in control, possession or charge of the substantial structure.
- (b) “Substantial Structure” means any structure of any construction type or use that is five (5) stories or seventy-five (75) feet about grade, whichever is shorter, at any point along its perimeter.
- (c) “Protected distance” means the horizontal distance measured perpendicular from any substantial structure to a public way, public land, other structure or adjoining property.
- (d) “Qualified inspector” means either of the following: A design professional certified in the subject elements and licensed by the State of Ohio, or a special inspector or inspection agency accredited and experienced in the specific structure being inspected. Proof of accreditation or licensing is required as is required by the Ohio Building Code for Special Inspectors.

Section 3143.02 **Inspection and Reporting Requirements for Exterior Walls and Appurtenances**

Ordinance No. -15

In order to maintain a building's exterior walls and appurtenances in a safe condition, the following requirements shall apply to all buildings that are at least five stories or seventy-five (75) feet in height, whichever is shorter, have a protected distance that is equal to or less than the height of the substantial structure from its tallest height above grade, and are thirty (30) years or older. This section shall not apply to one-, two- or three-family residential buildings:

- (a) *Inspection Requirements.* The owner of a substantial structure shall conduct a critical inspection of the condition of exterior walls and appurtenances at least once every five years.
- (1) Such inspection shall be conducted and witnessed by a special inspector, by or on behalf of the owner of the building. Such inspection shall meet or exceed the ASTM Standards for Periodic Inspection of Building Facades for Unsafe Conditions contained in Designation E 2270-05.
 - (2) All inspections made prior to the adoption of this Chapter shall continue on their previous schedule at five year intervals. All new inspections and reports shall be completed within one year of the adoption of this Chapter and successive inspections shall be made every fifth year after the date of original inspection report.
- (b) *Inspection Report.* The owner of a substantial structure shall register with the Director of Building and Housing by submitting a written report, prepared by a qualified inspector who conducted or supervised the inspection, as follows:
- (1) Such report shall clearly document the condition of the exterior walls and appurtenances as either safe, unsafe or safe with a repair and maintenance program. The report shall document all significant deterioration, unsafe conditions, and movement observed, in sufficient detail so that a comparison of successive reports will indicate any change of condition. Such report must be signed by and bear the professional seal of the qualified inspector.
 - (2) Such report shall be filed with the Director of Building and Housing together with a fee, in an amount to be determined by the Director, within the time specified in division (a)(2).
 - (3) Such report shall include the following:
 - i. The location of the building by address and permanent parcel number;
 - ii. The year the building was built;
 - iii. The date the building was inspected;
 - iv. The name, address, and title of the person or firm who conducted the inspection;
 - v. Complete description of inspections conducted based on ASTM E2270-14, including the locations of and descriptions of detailed inspection areas.
 - (4) An inspection report shall be filed with the Director of Building and Housing every five years from the date of the first report.
- (c) *Notice of Unsafe condition.* Upon the discovery of an unsafe condition relating to the exterior walls or appurtenances, the owner shall notify the Director of Building and Housing immediately in writing of such condition, and immediately begin repair, reinforcement or precautionary measures, with the required permits, to abate the unsafe condition to ensure public safety.

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Section 3143.03 Certificate of Exterior Walls and Appurtenances Inspection

- (a) *Issuing of Certificates.* The Director of Building and Housing shall issue an exterior wall and appurtenances certificate only after having receive satisfactory proof of inspection, and after the inspection report of the architect or engineer reports a safe condition. No building owner subject to the requirements in this Chapter shall permit the substantial structure to be occupied without such certificate.
- (b) *Posting of Certificates.* The owner of a building subject to the requirements of this Chapter shall post the required Certificate of Exterior Walls and Appurtenances, suitably framed under glass, conspicuously at all times at the main entrance of the building. No building owner subject to the requirements of this Chapter shall fail to post the required Certificate.

Section 3143.04 Penalties

In addition to any other method of enforcement provided for in Chapter 3103, whoever violates any provision of this Chapter is guilty of a misdemeanor of the first degree. Each day during which noncompliance or a violation continues shall constitute a separate offense. Organizations convicted of an offense shall be fined as provided by Cleveland Codified Ordinance Sections 601.10 and 601.99.

Section 3143.05 Rules

The Director of Building and Housing shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this Chapter.

Section 2. That new Chapter 3143 shall take effect sixty days after the effective date of this ordinance.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it 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.

jho 12-7-15 FOR: Council Member Cimperman

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**REPORT
after second Reading**

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READ FIRST TIME **REPORTS**
and referred to DIRECTORS of Building and Housing, Finance, Law;
COMMITTEES on Development, Planning, and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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