



# City of Parma Heights

## Council Meeting

6281 Pearl Road

Monday, May 22, 2023

7 :00 PM

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### ACTION ON MINUTES:

- MAY 8, 2023 – CITY COUNCIL WORK SESSION
- MAY 8, 2023 – PARMA HEIGHTS CITY COUNCIL MEETING

### REPORTS FROM MAYOR AND DIRECTORS

COMMUNICATIONS: None at this time

### PUBLIC SESSION

### LEGISLATION

#### First Reading

#### 1. RESOLUTION NO. 2023 – 29

**A RESOLUTION SUPPORTING THE CITY OF PARMA HEIGHTS CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT PROGRAM APPLICATION, AND DECLARING AN EMERGENCY**

#### 2. RESOLUTION NO. 2023 – 30

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF PARMA HEIGHTS FOR THE DESIGN SERVICES OF THE BLOSSOM AND SUTHERLAND AVENUES SEWER IMPROVEMENT PROJECT, AUTHORIZING THE SIGNING OF THE CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY**

#### 3. ORDINANCE NO. 2023 – 31

**AN ORDINANCE APPROVING AND AUTHORIZING THE ADMINISTRATION TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PARMA HEIGHTS AND LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860, AND DECLARING AN EMERGENCY**

**4. ORDINANCE NO. 2023 – 32**

**AN ORDINANCE AMENDING CHAPTER 1301 OF THE PARMA HEIGHTS CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE RESIDENTIAL CODE OF OHIO, AS MAY BE AMENDED BY THE STATE OF OHIO FROM TIME TO TIME**

**ADJOURNMENT**

**RESOLUTION NO. 2023 - 29**

**A RESOLUTION SUPPORTING THE CITY OF PARMA HEIGHTS CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT PROGRAM APPLICATION, AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That this Council of the City of Parma Heights hereby supports the City of Parma Heights Cuyahoga County Healthy Urban Tree Canopy Grant Program application to the Cuyahoga County Planning Commission to install trees on public lands pursuant to the Urban Forestry Master Plan.

Section 2: That this Council hereby respectfully requests that the Cuyahoga County Planning Commission give favorable consideration to the City of Parma Heights Healthy Urban Tree Canopy Grant Program application for funding.

Section 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 4: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of said City and for further reason that this measure is necessary for the timely acceptance of funds; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MARIE GALLO

**RESOLUTION NO. 2023 – 30**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF PARMA HEIGHTS FOR THE DESIGN SERVICES OF THE BLOSSOM AND SUTHERLAND AVENUES SEWER IMPROVEMENT PROJECT, AUTHORIZING THE SIGNING OF THE CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Parma Heights seeks to improve the existing common trench sewer system to reduce the basement back-ups and provide capacity enhancements near the Blossom and Sutherland Avenue areas; and

**WHEREAS**, the City of Parma Heights intends to apply for a 2023 Water Pollution Control Loan Fund (WPCLF) Principal Forgiveness loan for design services and furtherance of the Blossom and Sutherland Avenues Sewer Improvement Project; and

**WHEREAS**, the WPCLF requires the governing authority to pass legislation for application of a loan, the execution of an agreement, and the designation of a dedicated repayment source; and

**WHEREAS**, the City of Parma Heights is a local government eligible to receive Funding for an eligible activity through the Water Pollution Control Loan Fund Program Year 2023 Final Program Management Plan; and

**WHEREAS**, the 2023 WPCLF Principal Forgiveness funds may be available through the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) in an amount not exceeding One Million, Four Hundred Thousand Dollars and Zero Cents (\$1,400,000.00) to fund the Blossom and Sutherland Avenues Sewer Improvement Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That the Mayor is hereby authorized and directed to make application, sign, and file all necessary contracts and documents with the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) for funding through the 2023 WPCLF Principal Forgiveness loan program for the Blossom and Sutherland Avenues Sewer Improvement Project with Ohio EPA's Division of Environmental and Financial Assistance (DEFA).

Section 2: That the dedicated source of repayment will be the county maintenance fee.

Section 3: Resolution No. 2023 – 21, passed, March 27, 2023, is repealed.

Section 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5: This Resolution is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality, and for the further reason that the City must seek funding and commence the Blossom and Sutherland Avenues Sewer Improvement Project in a timely manner; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MARIE GALLO

**ORDINANCE NO. 2023 - 31**

**AN ORDINANCE APPROVING AND AUTHORIZING THE ADMINISTRATION TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PARMA HEIGHTS AND LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860, AND DECLARING AN EMERGENCY**

**WHEREAS**, terms and conditions of employment of certain employees in the Service Department of the City have been reached in collective bargaining negotiations between the City of Parma Heights and Laborers' International Union of North America, Local 860 (Local 860); and,

**WHEREAS**, the 2020-2021 Collective Bargaining Agreement expired at 11:59 P.M. on December 31, 2021; however, the parties have been operating under the status quo until now.

**WHEREAS**, the new Collective Bargaining Agreement is effective January 1, 2023, through December 31, 2025.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: The Collective Bargaining Agreement with Local 860, attached hereto and incorporated herein as Exhibit "A", is adopted, ratified, and approved, and the Administration is authorized and empowered to execute and enter into said Collective Bargaining Agreement for and on behalf of the City of Parma Heights.

Section 2: Ordinance No. 2021-30 passed December 21, 2021 is repealed.

Section 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4: This Ordinance is declared to be an emergency measure for the public peace, health and safety of the Municipality and for the further reason that the provisions of this ordinance are immediately required in order to continue the highest possible level of efficiency and service of certain employees in the Service Department of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MARIE GALLO

**ORDINANCE NO. 2023 - 32**

**AN ORDINANCE AMENDING CHAPTER 1301 OF THE PARMA HEIGHTS  
CODIFIED ORDINANCES TO PROVIDE FOR ADOPTION OF THE RESIDENTIAL  
CODE OF OHIO, AS MAY BE AMENDED BY THE STATE OF OHIO  
FROM TIME TO TIME**

**WHEREAS**, the Director of Public Service and Chief Building Official recommend that Chapter 1301 of the City of Parma Heights Codified Ordinances be updated and amended, in part, to refer to, adopt, and incorporate the Residential Code of Ohio, as may be amended by the State of Ohio, Board of Building Standards, from time to time; and

**WHEREAS**, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce, and incorporate by reference the Residential Code of Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1301 of the Codified Ordinances shall be amended and, as amended, shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meeting open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL APPROVED

FILED WITH  
THE MAYOR: \_\_\_\_\_  
MAYOR MARIE GALLO

## EXHIBIT A

# **CHAPTER 1301** **Ohio Residential Code of Ohio**

EDITOR'S NOTE: Chapter 1301, formerly titled "Regional Dwelling House Code" was repealed, re-enacted and re-titled "Ohio Residential Code" by Ordinance 2002-37, passed October 15, 2002.

1301.01 ~~1999 edition~~ Residential Code of Ohio adopted.

1301.02 File copies.

1301.03 Amendments and additions.

1301.99 Penalty.

### CROSS REFERENCES

Adoption of technical codes - see Ohio R.C. 731.231

Ohio Building Code - see Ohio R.C. 3781.10, BLDG. [Ch. 1303](#)

Planning Commission - see P. & Z. [1101.01](#) et seq.

Board of Zoning Appeals - see P. & Z. [1139.01](#) et seq.

Building Inspector - see BLDG. [1323.01](#) et seq.

Smoke detectors - see FIRE PREV. [1505.02](#)(BOCA F-510.0)

### **1301.01 1999 EDITION RESIDENTIAL CODE OF OHIO ADOPTED.**

Pursuant to Ohio R.C. 731.231, the City adopts, enforces, and incorporates herein by reference there is hereby adopted, for the purpose of establishing rules and regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures, that certain Code known as the Residential Code of Ohio, 1999 Ohio Residential Code, copyright 2000, by International Code Council, Inc., as adopted and certified by the Ohio Board of Building Standards, pursuant to Revised Code 3781.10, as may be amended by said Board from time to time, and which is codified as Ohio Administrative Code 4101:8, save and except such portions as are hereinafter modified or deleted.

(Ord. 2002-37. Passed 10-15-02.)

### **1301.02 FILE COPIES.**

A complete copy of the ~~Ohio~~ Residential Code of Ohio, as adopted in Section [1301.01](#) , is on file with the Clerk of Council for inspection by the public. One

copy shall also be on file in the Cuyahoga County Law Library. The Clerk of Council has copies available for distribution to the public at cost.

### **1301.03 AMENDMENTS AND ADDITIONS.**

The Ohio Residential Code of Ohio adopted in Section 1301.01 is hereby amended as follows:

Section 104.1 GENERAL. (Amended)

~~—The building inspector is hereby authorized and directed to administer and enforce all of the provisions of this code.~~

~~—Section 104.2 REFERENCED STANDARDS. (Amended)~~

~~—The most current edition of each listed standard at the time of application for a permit shall be deemed the governing standard, not necessarily the standards listed in this chapter.~~

~~—For additional standards for materials or systems not included in this Code, refer to the Appendices of the Ohio Basic Building Code, current edition.~~

a) Section 111.8 107.5.3 POSTING BUILDING SITE. (Added)

Post permit (given by the Building Department) immediately.

Application

1. Fill out permit application completely.
2. Three (3) complete sets of building plans.
3. Three (3) sets of plot plans.

Section 109.3 PROSECUTION AND PENALTIES. (Amended)

~~When an owner fails to comply with Section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in Section 3791.04 of the Revised Code criminal penalties shall be imposed pursuant to Section 1301.99 herein.~~

Section 110.1 HEARING AND RIGHT OF APPEAL, PARMA HEIGHTS LOCAL BOARD OF ZONING BUILDING-APPEALS. (Amended)

In order to hear and decide appeals of orders, decisions, or determinations made by the residential building official relative to the application of this code, there shall be a local appeals process established within the certified jurisdiction. Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code.

Section 112.3 PLANS. (Added)

~~—With your Building Permit you will receive two (2) sets of your submitted plans and two (2) plot plans stamped and signed "approved". Any desired change afterward is, either plans or plot plan, must be resubmitted and approved by the Building Commissioner before proceeding with any of the work.~~

~~—Section 113.1.4(a) OTHER INSPECTIONS. (Added)~~

~~—Following inspections are required:~~

- ~~—1. Footer inspection before pouring concrete.~~
- ~~—2. Foundation and drains before back-filling.~~
- ~~—3. All framing (rough).~~
- ~~—4. All electrical (rough).~~
- ~~—5. Final finish framing.~~
- ~~—6. Final electrical inspection.~~

~~—Section 113.1.6 PERIODIC INSPECTION. (Added)~~

~~—A permit shall be required for the occupancy of any new residential dwelling or commercial building. This permit shall be issued only if the residential dwelling or commercial building conforms to the Building Code. In case of hardship, a permit for occupancy of any new residential dwelling may be issued by the Building Inspector if arrangements for compliance to the Building Code have been made to his satisfaction. A one thousand dollar (\$1,000.00) cash deposit shall be made with the Director of Finance in the event a permit for occupancy for a residential dwelling is granted because of hardship. This deposit shall be required to guarantee compliance with the Building Code. In the event such compliance shall not have been made to the satisfaction of the Building Inspector, it shall be forfeited. The forfeiture of the deposit shall not in any manner affect the right of any court to further penalize the individual making the deposit in conformity with the penalty section of the Building Code.~~

~~—Section 118 STOP WORK ORDERS. (Amended)~~

~~—Upon notice in the form hereafter prescribed from the Building Official or his duly appointed assistant that work on any building or structure is being done contrary to the provisions of the Residential Code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing, shall provide for a signature by the Building Official or his duly appointed assistant who has discovered the violation and shall state the reason for stopping the work. It shall be a sufficient statement of the reason to cite the section of the Residential Code which has been violated.~~

~~—The notice shall be delivered to the owner of the property or to his agent or to the person in charge of the work at the site. In lieu of such delivery, a copy of the notice shall be posted on the front door of the building or structure containing the violation. Within one working day after such posting, a copy thereof shall be mailed to the address~~

~~of the application for the building permit as it appears on such application. If the building or structure has no front door or has not yet reached a point of construction so the position of the front door is identifiable, it shall be sufficient to post such notice on any part of the front of the building.~~

~~—The notice shall recite that no further work of any kind shall be done on the premises containing the building or structure. Any person who does any work whatsoever either on the building or structure or on the premises containing the building or structure, while such notice is in effect, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by ordinance. Work may be resumed only when the violation has been corrected and the Building Official or his duly appointed assistant has been notified, a reinspection has been performed and the corrective work approved as in compliance with the Residential House Code.~~

~~—No person shall remove, mutilate or destroy a stop work notice without the authority of the Building Official.~~

Section 202 GENERAL BUILDING DEFINITIONS. (Amended)

~~—MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 960 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical system contained therein. For the purposes of these provisions, a mobile home shall not be considered a manufactured home. Mobile homes are prohibited as principal or accessory structures for residential use.~~

b) Section 304 304.4 MINIMUM ROOM AREAS. (Added)

Minimum area requirements. In addition to the minimum room area standards imposed by Section 304 of the Residential Code of Ohio, as incorporated herein, each dwelling unit shall contain a bathroom and an area for each of the following uses: living, cooking, dining and sleeping and, in addition, a cellar, a basement or a utility room. The utility room shall have a minimum floor area of ninety square feet. Each basementless dwelling shall have, in addition to the utility room and minimum required garage area, a storage space of not less than 320 cubic feet with a minimum ceiling height to eight feet.

Minimum Areas or Dimensions

<u>Space use</u>	<u>Area</u>	<u>Minimum Dimension</u>
Living	240 sq. ft.	12 feet, 8 inches
Dining	120 sq. ft.	10 feet
1st sleeping area	160 sq. ft.	12 feet, 4 inches
2nd sleeping area	120 sq. ft.	11 feet, 4 inches

3rd sleeping area	100 sq. ft.	9 feet, 4 inches
4th or more additional sleeping areas	90 sq. ft.	9 feet
Cooking (kitchen)	130 sq. ft.	9 feet
Living-dining combination	360 sq. ft.	
Dining-cooking combination	170 sq. ft.	11 feet, 4 inches

\*\*Additional areas shall be provided for the necessary hallways or other interconnecting spaces, closets and that area occupied by partitions. Two adjoining areas shall be considered a combination space use if the area of the wall between the two areas is less than twenty-five percent of the open space between such areas.

~~Bathroom.~~

~~—Each dwelling unit shall contain a least a water closet, lavatory and tub or stall shower in a room or rooms in which the fixtures shall be arranged so as to provide at least a ninety-degree door swing. Each dwelling having four or more sleeping areas shall have an additional bathroom which shall contain a water closet and lavatory.~~

~~Section 305.1 MINIMUM HEIGHT. (Amended)~~

~~—Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have ceiling height of not less than 8 feet. The required height shall be measured from the finished floor to the lowest projection from the ceiling.~~

~~—Exceptions:~~

~~—1. Beams and girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.~~

~~—2. Ceiling heights in basements without habitable spaces shall not be less than 6 feet 8 inches (2032 mm) clear except for under beams, girders, ducts or other obstructions where the clear height shall be 6 feet 4 inches (1930 mm).~~

~~—3. Not more than 50 percent of the required floor area of a room or space shall be permitted to have a sloped ceiling less than 7 feet (2134 mm) in height with no portion of the required floor area less than 5 feet (1524 mm) in height.~~

~~—Section 306.2 KITCHEN. (Amended)~~

~~—Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material. No single residence or home shall be constructed hereafter unless the structure is equipped with an appropriate digester-type garbage disposal unit.~~

c) Section 309 309.6 GARAGES. (Added)

## Garages attached and detached

A private garage is a building or space used as an accessory to a main building permitted in a residence district and providing for the storage of motor vehicles and in which no occupation, business or services for profit connected in any way with motor vehicles is carried on. Floor Area - The floor area of private garages required for each one and two-family and townhouse dwelling unit shall be in accordance with the following schedule:

<u>Dwelling Types</u>	<u>Minimum</u>	<u>Maximum</u>
One-family dwelling	441 sq. ft.	750 sq. ft.
Two-family dwelling	441 sq. ft.	750 sq. ft.
Three-family dwelling	441 sq. ft.	750 sq. ft.

The area for garages shall be measured from the exterior face of the enclosing walls at ground floor level.

### Detached garages - wood frame construction

1. For garages larger than 600 square feet, the bottom of footings of frame garages shall be not less than 42 ~~36~~ inches below finished grade, unless supported on a reinforced concrete slab as provided in the following paragraph.

2. For garages smaller than 600 square feet, the frame garages may be built on a concrete slab, not less than 4 inches thick, reinforced with steel mesh weighing not less than 40 pounds per 100 sq. feet or equivalent reinforcement turned up into a 6-inch width curb, 8 inches high above finished grade to form a wall foundation, with concrete footer below grade of at least 12 inches (known as a thickened haunch). Anchor bolts at all corners with maximum spacing 4 ft. o.c.

3. Studs and rafters shall have a spacing of not more than 16 inches o.c.
4. Rafter ties at eaves may be 2 x 6's with a maximum spacing 4 ft. o.c.
5. Corner bracing must be applied on the outside surface of studs.
6. All garages are to be gable or hip type roofs (no shed type).
7. Garage door header has to be 3-2 x 12 or 2-2 x 12's with a steel fitch plate.
8. Garage downspouts and gutters.

All accessory buildings, including garages, must be provided with proper downspouts and gutters for conducting the water from the roof of such building to a public storm sewer or unobstructed watercourse. Provisions for so conducting storm and rain waters shall be shown on the plans and specifications as submitted in the request for a building permit. In no case shall a downspout or gutter be constructed or maintained in such condition as to discharge water onto the property of another or onto

public sidewalks or public streets, or be so constructed or maintained as to cause rain or storm water to flow over the property of another or over sidewalks or streets, whether public or private. Notwithstanding the foregoing, storm water may be discharged over land in accordance with a plan of discharge, approved by the Building Inspector.

9. Doors. Every detached garage of either masonry or wood frame construction shall be provided with an egress door. The minimum size shall be two feet, six inches wide, six feet, eight inches high and one and three-eighths inches thick at the stiles. The door shall swing out of the detached garage and shall be provided with a lock which is always openable from the inside, without the use of a key. All hardware shall be of noncorrosive metal.

10. Attached garages shall be ventilated by a mechanical ventilating system. Minimum 190 CFM.

Section 311.1 EXIT REQUIRED. (Amended)

~~—A required means of ingress and egress from a living unit shall not be through any part of another living unit or through an attached garage. At least one window or other exterior opening in each habitable room shall be so arranged as to permit its use as a means of escape in an emergency. The second floor of a two family flat shall have two stairways to ground floor exits at least twenty feet apart as measured around the periphery of the house, or in the alternative, the second story of a two-family flat shall have one stairway to the ground floor exits and shall have an exterior door of a minimum size of two feet and four inches by six feet and eight inches which shall open onto a porch being at least eight feet by ten feet which porch must be at least thirty feet apart from the stairway exit as measured around the periphery of the house.~~

Section 311.3 TYPE AND SIZE. (Amended)

~~—At least one exterior door opening shall be not less than six feet, eight inches high and three feet wide. Other door openings may be not less than six feet, six inches high and two feet, six inches wide, except that doors to bathrooms, toilet compartments and lavatories may have a width of not less than two feet, four inches. Closet doors may have a width of not less than two feet.~~

~~—Wood exterior doors shall be not less than one and three fourth inches thick. Wood interior doors shall be not less than one and three eighths inches thick, unless otherwise approved.~~

~~Section 311.3(6) SWINGING DOORS. (Added)~~

~~—Whenever there is a swinging door on the exterior wall of a residential dwelling house, there shall be an exterior platform or porch not less than three feet by four feet in size with steps to the finish grade of normal tread and riser, the platform and steps to be constructed in accordance with the Dwelling House Code. The platform shall be no more than one riser below the floor level of the dwelling.~~

~~Section 311.3(b) SLIDING DOORS. (Added)~~

~~—Whenever there is a sliding door in the exterior wall of a residential dwelling house, an exterior platform or porch shall be constructed. The platform or porch shall be not less than four feet projecting out from the building, nor less than the opening, plus six inches on each side, in width, with steps to the finish grade of normal tread and riser. The platform and steps shall be constructed in accordance with the Dwelling House Code. The platform shall be no more than one riser below the floor level of the dwelling.~~

~~—Section 320.3.3 DRYWALL CONSTRUCTION. (Added)~~

~~—Wherever drywall construction is specified in this code it shall mean the use of 5/8 inch gypsum board.~~

~~—Section 401.2(a) FOUNDATIONS FOR DWELLING HOUSES. (Added)~~

~~—Brick, hollow, vitrified tile, cement blocks, concrete or a combination of these may be used in the foundation of dwellings. However, where cement blocks or concrete are used, no more than six inches of such materials shall be exposed to view from the grade line up. Minimum requirements of square feet for foundations (all measurements are to be outside the foundation) shall be as follows:~~

~~—(a) Two-story single-family dwellings – 896 square feet;~~

~~—(b) One and one-half story single-family dwellings – 1,008 square feet;~~

~~—(c) One-story single-family dwellings – 1,230 square feet;~~

~~—(d) The foundation and the building of a split-level single-family dwelling shall be constructed in a manner so that there is at least 1,500 square feet of combined living area, exclusive of loft storage area, basement, open porches and garage;~~

~~—(e) Where any dwelling is constructed without a basement, 180 square feet shall be added to the requirements of subsections (a), (b) and (c) hereof; and~~

~~—An attached garage, whether it be single or double, shall have no effect on the foregoing minimum requirements for single-family dwellings except where such dwellings are one-story and basementless; square footage of attached garage area over and above 240 square feet may be considered up to a maximum of 100 square feet in determining whether or not such dwellings meet the foregoing minimum requirements of subsection (e) hereof.~~

d) Section 401.3(a) 401.3.1 DRAINAGE DURING CONSTRUCTION. (Added)

The flow or disposal of storm water into a sanitary sewer shall not be permitted at any time, including, without limitation, during any phase of construction operations.

e) Section 401.3(b) 401.3.2 STORM DRAINAGE. (Added)

(1) (a) Collected and drained to storm sewer. Roofs and paved areas, yards, courts and open shafts, and every open excavation or part of a lot or premises where water accumulates, shall be drained into a storm sewer, except as otherwise provided in this

section. The provisions of this section shall not be interpreted to prohibit the construction or maintenance of a pool or fountain which is provided with drainage approved by the Director of Public Service, and in which the water is not permitted to become stagnant, contaminated or polluted.

(2) ~~(b)~~ Drained to other than storm sewer. Where, in the opinion of the Director of Public Service, no sewer is available, or to mitigate the introduction of substantial amounts of storm water into the city storm sewer system, the storm drainage, from sources described in subsection (1) ~~(a)~~ hereof shall be piped to discharge into the street gutter, splash block or into a receptacle or conducted to another point of disposal, as approved by the Director of Public Service. As an alternative, one or more downspouts may be connected to an approved rain barrel or rain garden as follows:

(2.1) ~~(4)~~ Drained to a rain barrel. Notwithstanding any other provision of this chapter or these Codified Ordinances, one or more downspouts may be diverted into an approved rain barrel or other structural storage container, provided that the overflow from such appurtenances is directed into the public storm sewer system. Rain barrels or other structural system storage containers shall be covered at all times and incorporate a drainage that directs any overflow away from the building foundation and into the public storm sewer system. The installation of rain barrels or other structural storage containers shall be subject to review and approval of the Director of Public Service or City Engineer or their duly authorized representative, and shall conform to the standards published by the Cuyahoga Soil and Water Conservation District, and as amended.

(2.2) ~~(2)~~ No rain barrel(s) shall be installed until a permit has been obtained.

(2.3) ~~(3)~~ Rain barrels must be free of any chemicals from prior use. Fifty-five-gallon drum industrial containers are prohibited.

(2.4) ~~(4)~~ Rain barrels shall be located behind the front setback of a structure. Visual screening of rain barrels or other structural storage containers may be required, on a case-by-case basis, so as to prevent unsightly visual impacts to the surrounding area.

(2.5) ~~(5)~~ Rain Garden. One or more downspouts may be directed into an approved rain garden. Such rain garden shall be subject to the review and approval of the City Engineer, or his/her duly authorized representative, and shall be constructed in accordance with the latest edition of the Rain Garden Manual for Homeowners. No rain garden shall be constructed or installed until a permit has been obtained.

(2.6) ~~(6)~~ Subject to the review and approval of the Director of Public Service residential structure gutters and downspouts may be disconnected from the city storm sewer system which shall be directed away from the resident's foundation and their neighbor's foundation and property as set forth in Section 401.3(e)(1).

(2.7) ~~(7)~~ As a precondition to allowing the use of a splash block the land owner shall agree in writing, to indemnify, defend and hold harmless the City, its officers and employees from any claim, injury, loss or damage to the land owner, his or her property

or the person or property of any other individual that may directly or indirectly, result from the discharge of storm water over land.

(2.8) ~~(8)~~ Fees. The fee for a permit to connect downspouts to an approved rain barrel or rain garden shall be in accordance with the then existing schedule of fees contained in Chapter 1321.

(3) ~~(e)~~ Discharge to sanitary sewer. Notwithstanding any other provision of this chapter or these Codified Ordinances, if it is determined that one or more installed conductors, roof leaders or surface or ground water drains discharge or infiltrate into a sanitary sewer, the Director of Public Service may grant a special permit allowing the land owner to disconnect the offending private storm sewer facilities from the public sewerage system, but only pursuant to the terms and conditions in this section.

(4) ~~(d)~~ Review by Municipal Engineer. Upon discovery of a situation described in subsection (c) hereof, the Director of Public Service shall refer the matter to the Municipal Engineer for his or her review and recommendation.

(5) ~~(e)~~ Granting of permit. The Director of Public Service shall grant the special permit described in subsection (c) hereof if he or she finds the following conditions to be satisfied:

(5.1) ~~(4)~~ With respect to roof and yard drainage, downspouts may be allowed to discharge into splash pads or into other suitable devices, but only if the Director of Public Service determines that the flow is not reasonably expected to create a nuisance to neighboring property or the general public. Connections of any pipe carrying roof water or yard drainage to a sanitary sewer shall not be acceptable.

(5.2) ~~(2)~~ With respect to surface drainage, positive drainage shall be provided so that a nuisance will not be created. Catch basins or properly connected underdrains shall be installed, or other suitable alternatives shall be installed where water may pocket, to preclude the accumulation of surface water. Regrading shall be done so that existing natural ground drainage of the surrounding area shall not be impeded.

(5.3) ~~(3)~~ As a precondition to issuance of any special permit pursuant to this section, the land owner may agree, in writing, to indemnify, defend and hold harmless the City, its officers and employees from any claim, injury, loss or damage to the land owner, his or her property or the person or property of any other individual that may directly or indirectly, result from the discharge of storm water over land.

(6) ~~(f)~~ Improper discharge. In the absence of a special permit granted pursuant to this section, the Director of Public Service shall, upon discovery that one or more discharging or infiltrating into a sanitary sewer, compel the land owner to reconnect the offending facilities to the public storm sewerage system.

~~Table 702.3.4 THICKNESS OF GYPSUM BOARD. (Amended)~~

Thickness of Gypsum Board (inches)	Application	Orientation of Gypsum Board to Framing	Maximum Spacing of Framing Members (inches o.c.)			Maximum Spacing of Fasteners (inches)		Size of Nails for Application to Wood Framing <sup>e</sup>
						Nails <sup>a</sup>	Screws <sup>b</sup>	
—Application without adhesive								
5/8	Ceiling	Either Direction	16	7	12	No. 13 gage, 1 5/8" long, 19/64" head, 0.098" diameter,		
	Ceiling	Perpendicular	24	8	12			
	Wall	Either Direction	24	8	12	1 3/8" long, annular-ringed, 6d cooler nail, 0.092" diameter, 1 7/8" long, 1/4" head; or gypsum board nail, 0.0915" diameter, 1 7/8" long, 19/64" head.		
—Application with adhesive								
5/8	Ceiling <sup>d</sup>	Either Direction	16	16	16	Same as above for 1/2" and 5/8" gypsum board, respectively.		
	Ceiling <sup>d</sup>	Perpendicular	24	12	16			
	Wall	Either Direction	24	16	24			

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—For SI: 1 inch = 25.4 mm.

—<sup>a</sup>—For applicants without adhesive, a pair of nails spaced not less than 2 inches apart or more than 2-1/2 inches apart shall be used with the pair of nails spaced 12 inches on center.

—<sup>b</sup>—Screws shall be Type S or W in accordance with ASTM C 1002 and shall be sufficiently long to penetrate wood framing not less than 5/8-inch and metal framing not less than 3/8-inch.

—<sup>e</sup>—Where metal framing is used with a clinching design to receive nails by two edges of metal, the nails shall be not less than 5/8-inch longer than the gypsum board thickness and shall have ringed shanks. Where the metal framing has a nailing groove formed to receive the nails, the nails shall have ringed shanks. Where the metal framing has a nailing groove formed to receive the nails, the nails shall have barbed shanks or

~~be 5d, 13-1/2 gage, 1-5/8 inches long, 15/64-inch head for 1/2-inch gypsum board; and 6d, No. 14 gage, 1-7/8 inches long, 15/64-inch head for 5/8-inch gypsum board.~~

~~—<sup>d</sup> 3/8-inch thick single-ply gypsum board shall not be used on a ceiling where a water-based textured finish is to be applied, or where it will be required to support insulation above a ceiling. One ceiling applications to receive water-based texture material, either hand or spray applied, the gypsum board shall be applied perpendicular to framing. When applying a water-based texture material, the minimum gypsum board thickness shall be increased from 3/8-inch to 1/2-inch for 16-inch o.c. framing, and from 1/2-inch to 5/8-inch for 24-inch o.c. framing.~~

~~— Section 803.2.4 PORCHES AND PLATFORMS. (Added)~~

~~— Whenever a porch roof is constructed as an integral part of the roof of a residential dwelling house, the area under the roof extrusion, exclusive of overhang, shall be deemed a porch and shall be constructed in accordance with the requirements of Chapters 63 and 65 of the Dwelling House Code. Such porch floor shall be no more than one riser below the interior floor level of the dwelling.~~

~~— Appendix A - Section A201 MANUFACTURED HOMES. (Amended)~~

~~— Manufactured Housing Used as Dwellings. A structure, transportable in one or more section, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30m<sup>2</sup>) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical systems contained therein. Mobile homes are prohibited as principal or accessory structures for residential use.~~

~~— Appendix B - Section B103 SWIMMING POOLS. (Deleted)~~

~~— Section B105.2 OUTDOOR SWIMMING POOLS (Amended)~~

~~— Refer to Parma Heights Code 1375~~

~~— Appendix I (Added)~~

~~— See Title Five (Other Local Provisions) Parma Heights Ordinances.~~

~~(Ord. 2002-37. Passed 10-15-02; Ord. 2003-9. Passed 4-14-03; Ord. 2003-28. Passed 9-8-03. Ord. 2012-23. Passed 6-11-12; Ord. 2015-40. Passed 11-16-15; Ord. 2017-15. Passed 8-7-17.)~~

## **1301.99 PENALTY.**

(a) Whoever violates or fails to comply with any provision of the Residential Code of Ohio ~~Ohio Residential Code~~ is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, preempting and replacing any less severe penalty provisions in Section

109 of the Residential Code of Ohio. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

(b) The application of the above penalty shall not be held to prevent the removal of prohibited conditions.

(Ord. 2002-37. Passed 10-15-02.)