

## CHAPTER 1374

## Paint Removal and Exterior Surface Cleaning

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## CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Art. VI, Sec 2

Street obstructions - see TRAF. 311

Ohio Building Code - see BLDG. Ch. 1301

International Residential Code - see BLDG. Ch. 1303

Building permits - see BLDG. Ch. 1321

Entering adjoining property for maintenance and repair -  
see BLDG. Ch. 1330

Licensing Contractors - see BLDG. Ch. 1309

(Ord. No. 139-02. Passed 9/23/02.)

## 1374.01 PERMIT REQUIRED.

No person shall do any paint removal or exterior surface cleaning of any structure located in the City by sand blasting, steam or high pressure cleaning, power sanding or other similar method until first obtaining a permit therefor from the Building Commissioner. A separate permit is required for each separate job or location at which such activity will be done.

## 1374.02 PERMIT APPLICATION; DEPOSIT

(a) An applicant for a permit shall first file an application therefor in writing in the office of the Building Commissioner. The Commissioner shall prepare and furnish forms for that purpose. Each application shall state:

1. The location of the job;
2. The structure or portion thereof upon which the process is to be performed.
3. The length of time it is estimated the process will take;
4. The date when such work is to commence; and
5. The type of process to be used.

(b) Each application shall be accompanied with a cash bond or deposit to ensure compliance with this Chapter and particularly with Section 1374.06(g), as follows:

1. The contractor shall deposit two hundred dollars (\$200.00) with each permit in the form of cash or a certified check.
2. In lieu of the cash deposit per permit, the contractor may post a deposit in cash or a certified check (made payable to the City) in the amount of three thousand dollars (\$3,000.00) as security for compliance for a twelve month period.
3. The Building Commissioner may require an additional deposit per permit issued to a contractor when the Commissioner determines that the amount of security posted for the twelve month period is insufficient to cover potential damage for the total number of permits then issued to the contractor or as a consequence of forfeiture of the deposit pursuant to this Chapter.

(c) At the conclusion of the work to be done under each permit, the contractor shall report the same to the Building Commissioner, who shall review such work for compliance with this subsection and Section 1374.06(g). If the cleanup work and other work done in order to return the site to its original condition is not satisfactory, the Building Commissioner may withhold the deposit posted for that permit and have City personnel, or contractors retained by the City, properly clean up the site, correct any health hazard and remove lead paint chips and any other debris left by the permittee. The cost of such corrective measures will be calculated by the Building Commissioner, and an itemized invoice will be provided to the permittee. The amount of such invoice will be deducted from the deposit with the balance returned to the contractor/permittee. If the contractor has elected to post the seasonal deposit for security, the amount of such invoice will be deducted from the current balance of that deposit. If the cost for corrective measures exceeds the deposit posted for that permit, the contractor shall immediately pay the balance due to the City. If the contractor has elected the seasonal deposit provided herein, the amount will be deducted from the current balance of that deposit unless, in the determination of the Building Commissioner, such amount would reduce the seasonal balance below a reasonable level based on the number of permits then issued to the contractor or would exhaust the amount of the seasonal deposit. In that event, the contractor shall immediately pay such amount to the Building Commissioner on behalf of the City.

(d) Failure to comply with this section regarding payment of amounts due hereunder shall be cause for immediate revocation of the contractor registration and any outstanding permit. In addition, the Director of Law shall be empowered to seek other appropriate remedies, including damages on behalf of the City.

(e) Nothing contained herein shall be construed to in any way limit, reduce, mitigate or otherwise diminish the liability of the contractor/permittee to any person, property owner, citizen or other affected individual for damages arising from any cause as a consequence of the contractor/permittee's actions, or work performed, even if a property permit has been issued under this Chapter and the contractor has complied with all provisions hereof.

#### 1374.03 PERMIT FEE.

At the time of filing an application, a permit fee shall be paid to the Department of Community Development in the amount of fifteen dollars (\$15.00), as set forth in Chapter 1321.02 of these Codified Ordinances.

#### 1374.04 REGISTRATION OF CONTRACTORS.

Prior to the issuance of a permit, a contractor/applicant shall be registered as a contractor with the City pursuant to Chapter 1309 of the Codified Ordinances, and shall have all requisite insurance in place pursuant thereto. Chapter 1309 shall remain unchanged by this section.

#### 1374.05 NOTICE TO ADJACENT OWNERS OR OCCUPANTS.

Before the applicant commences any such work, notice, by residence service shall be given by the applicant at least seven (7) days in advance, in writing, in form satisfactory to the Department of Law, to all owners and occupants of buildings or other structures immediately adjacent to the structure on which the proposed work is to be done. The applicant shall submit evidence to the Building Commissioner, in satisfactory form, that such notice has been given.

#### 1374.06 RESTRICTIONS.

(a) If high pressure boilers are used for cleaning or other purposes, they shall conform to the Ohio Revised Code and shall be operated in a safe and approved manner.

(b) All such operations shall be shielded by tarpaulins or other screening so as to prevent vapor, water, dust and debris from causing a nuisance by falling on pedestrians, vehicles, public thoroughfares and adjoining property.

(c) No such operations shall be conducted during rains or snowfalls, when wind speeds exceed fifteen miles per hour (15 mph) or during other conditions determined as being unsafe for such process by the Department of Public Safety-Service.

(d) Ground tarping shall be used to at least thirty (30) feet from the work surface being stripped or cleaned or to a property line of less than thirty (30) feet and on adjacent sides, to collect as much of the residue as possible to prevent it from falling upon the ground.

(e) All vents, windows and other areas through which air might enter the premises upon which the work is being conducted shall be covered to prevent infiltration.

(f) No such activity shall be permitted under any permit issued in accordance with this Chapter which violates Chapters 521 and 558 of the General Offenses Code.

(g) After the completion of the work to be performed under the permit, the contractor shall be required to thoroughly clean up all residue from the permit premises, adjacent property and public rights-of-way of thoroughfares. In addition the contractor shall ensure that no such work is performed in such a manner as to cause or create a public nuisance and shall further ensure that the cleanup of the work area is in such a manner as not to cause or create a public nuisance. The contractor/permittee shall be required to notify the Building Commissioner of the completion of work and shall be prepared to respond immediately to any finding of the Building Commissioner with regard thereto.

#### 1374.07 STREET OBSTRUCTIONS.

If obstructions are to be placed in City streets or public places, all provisions of these Codified Ordinances and State law shall be complied with in their entirety.

#### 1374.08 PERMIT REVOCATION.

Noncompliance with any of the provisions of this Chapter shall be cause for immediate revocation of any permit issued for any work hereunder. The Building Commissioner may revoke such permit and order the stopping of such work without previous notice. No person shall do any work covered under this section after a permit therefor has been revoked.

#### 1374.09 COMPLAINTS BY AFFECTED PERSONS OR ADJACENT PROPERTY OWNERS.

In the event of a complaint by an affected person or property owner, the contractor shall agree, by acceptance of the permit and in form thereon, to respond to all inquiries from the Building Department, the Department of Public Safety-Service and the Department of Law and to appear for discussions, hearings or mediations concerning the dispute as required by the Department of Law. In the event of a failure to comply, the contractor's registration to perform such services in the City shall be revoked on order by the Director of Law.

1374.10 APPEAL TO THE BOARD OF ZONING AND BUILDING APPEALS.

Any property owner or contractor who contests a decision by any officer of the City, including, but not limited to, the Building Commissioner, the Director of Public Safety-Service or the Director of Law, may appeal such decision or determination to the Board of Zoning and Building Appeals pursuant to these Codified Ordinances and in accordance with the rules and regulations of the Board.

1374.11. INTERPRETATION OF CHAPTER.

Nothing contained in this Chapter shall be deemed to exempt the applicant or permittee from the provisions of any other section of these Codified Ordinances, or from the payment of any other fee or from the necessity of obtaining any other permit required under these Codified Ordinances.

Nothing in this Chapter shall be deemed to require that a homeowner must obtain a permit, prior to paint removal or exterior cleaning of property which that person owns and occupies, for methods of removal or cleaning which could not be characterized as a commercial process.

1374.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. No. 17-91. Passed 3-25-91).