

ORDINANCE NO. 127-2025(HB), *Third
Reading (Amended 08.14.2025)*

By Mayor Seren

An Ordinance creating a new Chapter 1373, "Exterior Walls and Appurtenances; Parking Garages"; of Title Three, Local Provisions; of Part Thirteen, Building Code of the Codified Ordinances of Cleveland Heights to include standards and provisions to regulate the structural integrity of building facades and garages within the City.

WHEREAS, in recent years there have been façade collapses within the City that have impacted the public thoroughfare; and

WHEREAS, the City currently does not have specific standards to regulate exterior walls and appurtenances for buildings and garages; and

WHEREAS, such standards are necessary to protect the health and safety of the City, its residents, property owners, businesses, and visitors.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby adopts a new Chapter 1373, "Exterior Walls and Appurtenances; Parking Garages"; of Title Three, Local Provisions; of Part Thirteen, Building Code of the Codified Ordinances of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Ordinance to the City of Cleveland Heights Website.

SECTION 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.



TONY CUDA
President of Council

ORDINANCE NO. 127-2025(HB)



ADDIE BALESTER
Clerk of Council

PASSED: August 18, 2025

Presented to Mayor: 08/20/2025 Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A (Amended 8/14/2025)

CHAPTER 1373 – EXTERIOR WALLS AND APPURTENANCES; PARKING GARAGES

1373.01 Definitions

1373.02 Inspection and Reporting Requirements for Exterior Walls and Appurtenances; Fee

1373.03 Certificate of Exterior Walls and Appurtenances Inspection

1373.04 Inspection and Reporting Requirements for Parking Garages

1373.05 Certificate of Parking Garage Inspection

1373.98 Rules

1373.99 Penalties

§ 1373.01 Definitions

(a) "Building Commissioner" means the individual defined in Section 1361.09 of the Building Code or their designee.

(b) "Historic Commercial Building" / "Substantial Structure" means a multi-level structure which is: 1) a minimum of two (2) stories or 20 feet in height, whichever is less, or has a parapet wall, and 2) is 30 years old or older. One-, two-, and three-family residential structures are not considered Historic Commercial Buildings or Substantial Structures.

(c) "Parking Garage" means a multi-level structure of other than Type V construction intended for the parking or storage of motor vehicles. A parking garage may be accessory to a principal use or structure on a lot or may be the principal structure on a lot. A parking garage accessory to a one-, two-, and three-family residential structure shall not be considered a "Parking Garage" for purposes of this Chapter.

(d) "Police Chief" means the Police Chief of the City of Cleveland Heights and/or their designee.

(e) "Protected Distance" means the horizontal distance measured perpendicular from any Historic Commercial Building or Substantial Structure to a public way, open pedestrian walkway or plaza, public land, other structure, or adjoining property.

(f) "Qualified Inspector" means a registered architect, or engineer specializing in structural engineering, and licensed by the State of Ohio.

§ 1373.02 Inspection and Reporting Requirements for Exterior Walls and Appurtenances; Fee

In order to maintain a Historic Commercial Building's or Substantial Structure's exterior walls and appurtenances in a safe condition, the following requirements shall apply to all structures subject to the regulations of this Chapter and have a Protected Distance that is equal to or less than the height of the structure from its tallest height above grade.

(a) Inspection Requirements. The owner of a Historic Commercial Building or Substantial Structure shall cause an inspection of the condition of all exterior walls and appurtenances to be conducted at least once every five (5) years, in accordance with the following standards:

ORDINANCE NO. 127-2025(HB)

(1) Such inspection shall be conducted by a Qualified Inspector, and shall meet or exceed the general inspection standards under the most current American Society for Testing and Materials (ASTM) E2270-14 (Standard Practice for Periodic Inspection of Building Facades for Unsafe Conditions). Any areas found to be deficient in the general inspection shall require a detailed inspection.

(2) Such inspection shall be completed and a report shall be filed, per subsection (c) herein, within the following time:

A. All new inspections and reports shall be completed and filed within one (1) year of the effective date of this Chapter. Successive inspections and reports shall be completed every five (5) years from the date of the original inspection report filed in accordance with subsection (c).

B. If a Historic Commercial Building or Substantial Structure has already been inspected within one (1) year prior to the adoption of this Chapter in a manner that would satisfy the requirements of this Chapter, the owner must file a report of that inspection within six (6) months of the effective date of this Chapter. Successive inspections and reports shall be completed every five (5) years from the date of the original inspection report filed in accordance with subsection (c).

(b) Inspection Report.

(1) Such report shall include the following:

- A. The location of the structure by address and permanent parcel number;
- B. The year the structure was built;
- C. The date the structure was inspected;
- D. The name, address, and title of the person or firm who conducted the inspection;
- E. Complete description of inspections conducted based on ASTM E2270-14, including the locations of and descriptions the general inspection areas and any of detailed inspection areas; and
- F. A conclusion regarding the condition of all exterior walls and appurtenances as either 'safe', 'unsafe', or 'safe with a repair and maintenance program'.

(2) Such 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.

(3) Such report must be signed by and bear the professional seal of the Qualified Inspector.

(c) Report Filing; Fee. The inspection report shall be filed with the Building Commissioner together with a fee, as established by the Building Commissioner.

(d) Extension. The Building Commissioner shall establish a procedure by which an owner of a Historic Commercial Building or Substantial Structure can request an extension of the time to file the inspection report, provided that proof is submitted that a Qualified Inspector has been retained and a reason(s) why the extension is needed.

§ 1373.03 Certificate of Exterior Walls and Appurtenances Inspection

(a) Issuing of Certificates. The Building Commissioner shall issue a Certificate of Exterior walls and Appurtenances Inspection only after having received satisfactory proof of inspection, and after the inspection report of the Qualified Inspector reports a safe condition.

ORDINANCE NO. 127-2025(HB)

(b) Keeping and Producing of Certificates and Inspection Documentation. The owner subject to the requirements of this Chapter shall keep and maintain such Certificate and any other applicable inspection documentation on-site or produce said certificate or documentation within 48 hours of any request by the Building Commissioner or the Chief of Fire or their designee.

§ 1373.04 Inspection and Reporting Requirements for Parking Garages

In order to maintain Parking Garages in a safe condition, the following requirements shall apply:

(a) Inspection Requirements. All Parking Garages shall be inspected at least once every five (5) years.

(1) Such inspection shall be conducted by a Qualified Inspector, on behalf of the owner of the Parking Garage. Such inspection shall include, but is not limited to, all structural components, columns, piers, beams, concrete, steel, roof decks, floor and pavement, and exterior cladding, if applicable. .

(2) Such inspection shall be conducted using the most current American Society of Civil Engineers (ASCE) 11-99 Guidelines (Guideline for Structural Condition Assessment of Existing Buildings) and American Concrete Institute (ACI) 562-19 Requirements (Code Requirements for Assessment, Repair, and Rehabilitation of Existing Concrete Structures and Commentary). The Qualified Inspector shall perform a preliminary assessment as defined in the Guidelines and Requirements and provide a determination as to whether a detailed assessment is required. When in the opinion of the Qualified Inspector a detailed assessment is required, such an inspection shall be performed according to the Guidelines and Requirements and a detailed report be produced.

(3) Such inspection shall be completed and a report filed, per subsection (c) herein, within the following time:

A. All new inspections and reports shall be completed and filed within one (1) year of the effective date of this Chapter. Successive inspections and reports shall be completed every five (5) years from the date of the original inspection report filed in accordance with subsection (c).

B. If a Parking Garage has already been inspected within one (1) year prior to the adoption of this Chapter in a manner that would satisfy the requirements of this Chapter, the owner must file a report of that inspection within six (6) months of the effective date of this Chapter. Successive inspections and reports shall be completed every five (5) years from the date of the original inspection report filed in accordance with subsection (c).

(b) Inspection Report.

(1) Such report shall include the following:

- A. The location of the Parking Garage by address and permanent parcel number;
- B. The year the Parking Garage was built;
- C. The date the Parking Garage was inspected;
- D. The name, address, and title of the person or firm who conducted the inspection;
- E. A conclusion regarding whether the Parking Structure and all parts thereof are either 'safe', 'unsafe', or 'safe with repairs and/or engineering monitoring' and whether, in the judgment of the Qualified Inspector, remedial work is required, based on the most recent

ORDINANCE NO. 127-2025(HB)

version of ASCE 11-99 and ACI 562-19, including the locations of and descriptions the general inspection areas and any of detailed inspection areas.

(2) Such 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.

(3) Such report must be signed by and bear the professional seal of the Qualified Inspector.

(c) Report Filing; Fee. The inspection report shall be filed with the Building Commissioner together with a fee, as established by the Building Commissioner.

(d) Extension. The Building Commissioner shall establish a procedure by which an owner of a Parking Garage can request an extension of the time to file the inspection report, provided that proof is submitted that a Qualified Inspector has been retained and a reason(s) why the extension is needed.

§ 1373.05 Certificate of Parking Garage Inspection

(a) Issuing of Certificates. The Building Commissioner shall issue a Certificate of Parking Garage inspection only after having received satisfactory proof of inspection, and after the inspection report of the Qualified Inspector reports a safe condition.

(b) Keeping and Producing of Certificates and Inspection Documentation. The owner subject to the requirements of this Chapter shall keep and maintain such Certificate and any other applicable inspection documentation on-site or produce said Certificate or documentation within 48 hours of any request by the Building Commissioner or the Chief of Fire.

§ 1373.06 Certificate Required for Occupancy

No building owner shall permit the occupancy of a building or structure subject to the requirements in this Chapter unless in compliance with this Chapter.

§ 1373.07 Notice of Unsafe Condition

Within 24 hours of the discovery of an unsafe condition relating to a structure subject to the regulations of this Chapter, the owner shall notify the Building Commissioner immediately in writing of such condition, and immediately begin repair, reinforcement, or precautionary measures to abate the unsafe condition to ensure public safety.

§ 1373.98 Rules

The Building Commissioner may promulgate any rules as may be necessary for the purposes of carrying out the provisions of this Chapter.

§ 1373.99 Penalties

A violation of this Chapter shall be subject to the penalties set forth in Chapter 1365.99.