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## ENTERING ADJOINING PROPERTIES

### 1. Application for Permit Requirements

- The true name and address of the owner of the real property upon which the work is to be performed.
- The nature and scope of the work to be performed.
- The nature and scope of any equipment to be used in performing such work.
- The dates of the period of time in which such work is to be performed, which period of time shall not exceed three days. Monday through Saturday, excluding federal holidays and Saturdays in weekends immediately preceding or following federal holidays between the hours of 9 am through 5 pm.

### 2. Statement

- A statement by the applicant that he or she will assume any and all liability for physical damages to the real property entered upon, to any personal property or fixtures located thereon, including trees, shrubbery, flowers, grass or other vegetation and for any personal injuries suffered by any one as the result of entering upon such property and performing the work, and that he or she will indemnify and hold harmless the City, its officers and employees from any and all damage to person or property or from cost that may in any manner arise through the granting of this permit or the performance of any work done under it.

### 3. Affidavit

- The affidavit must contain both a description of the efforts undertaken by the applicant to obtain consent; a statement explaining when the permit is necessary in order for the work to be performed; and, if a renewal permit is being sought, a statement explaining the efforts undertaken by the applicant to complete the work within the original permit period.

### 4. Permit Issuance

- All permit applications shall be submitted to the Building Commissioner.
- All permit applications are subject to a 10 day period for appeal if the neighboring property owner wants to exercise his/her right.
- The Building Commissioner may have up to 72 hours to review the application.
- Each permit shall expire upon the earlier of the completion of the work to be performed or 5pm on the third day.
- No more than three permits for the same premises shall be issued during a calendar year.
- The building Commissioner will put in writing a letter to notify the neighboring property owner of his/her right to appeal.

### 5. Appeal

- Within the 10 day appeal process a written notice of appeal shall be provided to the building official, and shall be heard by the local Board of Building Standards and final decision will be made

### 6. Penalty

- Whoever violates any of the provisions of section 1311.02 shall be guilty of a minor misdemeanor, and each day the offense continues shall be considered a separate offense.

**1311.01 DEFINITION.**

As used in this chapter, “person” means any individuals, firm, partnership, association, corporation or company.

(Ord. 39-16. Passed 12-5-2016.)

**1311.02 CONSENT OR PERMIT REQUIRED.**

No person, being the owner of any real property in the City, or his or her lessee, tenant or manager, or any person acting for or on his, her or their behalf, shall prohibit, prevent, hinder or obstruct the owner of any adjoining real property, or his or her lessee, tenant or manager, or any person acting for or on his, her or their behalf, from entering upon such real property between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday, excluding federal holidays and Saturdays in weekends immediately preceding or following federal holidays, to work therefrom or to erect ladders, scaffolding or other similar equipment for the purpose of performing construction upon or providing maintenance or repairs to such adjoining real property, provided, however, that consent is first obtained by the owner of such adjoining real property, or his or her representative, from the owner of the premises to be entered upon, or his or her representative; or in lieu of such consent, a permit is first obtained from the Building Commissioner as provided in this chapter. All ladders, scaffolding and all equipment of every kind and nature shall be removed from the property entered upon between the hours of 5:00 p.m. and 9:00 a.m. of each day such maintenance or repair work is being performed.

(Ord. 39-16. Passed 12-5-2016.)

**1311.03 APPLICATION FOR PERMIT.**

Any person desiring to enter upon another person’s real property for the purpose of performing work upon his or her own adjoining real property, and not being able to obtain consent to so enter, shall make a written application to the Building Commissioner setting forth and containing the following information:

- (a) The true name and address of the owner of the real property upon which the work is to be performed.
- (b) The true name and address of the owner of the real property to be entered upon.
- (c) The nature and scope of the work to be performed.
- (d) The nature and scope of any equipment to be used in performing such work.
- (e) The dates of the period of time in which such work is to be performed, which period of time shall not exceed three days.
- (f) A statement by the applicant that he or she will assume any and all liability for physical damages to the real property entered upon, to any personal property or fixtures located thereon, including trees, shrubbery, flowers, grass or other vegetation and for any personal injuries suffered by any one as the result of entering upon such property and performing the work, and that he or she will indemnify and hold harmless the City, its officers and employees from any and all damage to person or property or from cost

that may in any manner arise through the granting of this permit or the performance of any work done under it.

(g) A sworn affidavit, or a form promulgated by the Director of Law, averring that the applicant has attempted to obtain the consent of the owner of the premises to be entered upon, or his or her representative; and that such consent has not been obtained despite the applicant's reasonable efforts. The affidavit must contain both a description of the efforts undertaken by the applicant to obtain consent; a statement explaining when the permit is necessary in order for the work to be performed; and, if a renewal permit is being sought, a statement explaining the efforts undertaken by the applicant to complete the work within the original permit period.

(Ord. 39-16. Passed 12-5-2016.)

#### **1311.04 PERMIT FEE; ISSUANCE; CONTENTS; RENEWALS.**

(a) Every applicant for a permit hereunder shall submit to the Building Commissioner with his application a permit fee in an amount established by Council. Every applicant for a renewal permit hereunder shall submit to the Building Commissioner with his renewal application a renewal fee in an amount established by Council.

(b) No permit shall become effective before the expiration of 10 days from the date the permit is issued, except where the Building Commissioner has determined that the permit is required because of an emergency that could affect public health and safety, in which case the permit may become effective earlier than 10 days from its issuance. The Building Commissioner may have up to 72 hours within which to evaluate an application before deciding whether to issue a permit. Upon the issuance of the permit to an applicant, the Building Commissioner shall make reasonable efforts to notify the owner of the premises to be entered upon, or his or her representative, which may include residence service at the premises to be entered upon.

(c) Each permit shall expire upon the earlier of the completion of the work to be performed or 5 p.m. on the third day after its effective date. Renewal permits may be granted upon the filing of a renewal application in the event the work has not been completed within three days and the Building Commissioner, in his or her discretion, finds the renewal permit to be necessary. No more than three permits affecting the same premises to be entered upon may be issued in favor of a property owner in any calendar year.

(Ord. 39-16. Passed 12-5-2016.)

#### **1311.05 APPEAL.**

Any person aggrieved by a decision of the Building Commissioner to grant or deny a permit provided for under this chapter may, within 10 days of the date of the issuance or denial of the permit, file a written notice of appeal with the Building Commissioner. The

appeal shall be heard by the Board of Building Standards and Building Appeals in accordance with Chapter [156](#) and applicable law, except that the hearing may be expedited by the secretary to the board notwithstanding any applicable filing deadlines. Except where the Building Commissioner has determined that the permit is required because of an emergency that could affect the public health and safety, an appeal shall act as an automatic stay of the decision from which the appeal has been made. A final decision of the Board of Building Standards and Building Appeals shall operate as the final decision of the City and may be appealed to a court of competent jurisdiction.

(Ord. 39-16. Passed 12-5-2016.)

 **1311.99 PENALTY.**

Whoever violates any of the provisions of Section [1311.02](#) shall be guilty of a minor misdemeanor. Each day that an offense continues shall be considered a separate offense and shall be punishable as such.

(Ord. 39-16. Passed 12-5-2016.)