# CAPTION: Lambert v. Up Cincinnati Race, LLC, d.b.a. The Birdcage

**12-28-22**

APPEAL NO.: C-220143

TRIAL NO.: A-2003620

KEY WORDS: Negligence/Slip/Fall – Premises Liability – Negligence Per Se

SUMMARY:

A small riser at the entrance to defendant’s bar was an open-and-obvious hazard where the nature of the danger posed was immediately apparent on ordinary inspection: Plaintiff’s prior, successful traversal put him on notice of the existence of the hazard.

Building code violations are irrelevant to plaintiff’s negligence claim where the hazard is open and obvious because the open-and-obvious nature of the hazard obviates the landowner’s duty to warn of the danger.

Municipal codes that only set forth general, abstract duties cannot support a claim of negligence per se; to survive summary judgment, plaintiff must adduce at least some evidence of a violation of a municipal code that sets forth a definite standard for compliance.

JUDGMENT: AFFIRMED

JUDGES: Opinion by Crouse, J.; Bergeron, P.J., and Winkler, J., concur.