

ORDINANCE NO. 2008-175

INTRODUCED BY: DUSZYNSKI, FARAGONE, HENLEY, SCHAB, SCHOEFFLER AND SUHY

AN ORDINANCE AMENDING CHAPTER 1494 OF THE CODIFIED ORDINANCES
PERTAINING TO RENTAL PROPERTY

BE IT ORDAINED by the Council of the Village of Cuyahoga Heights, State of Ohio:

SECTION 1. That Chapter 1494 of the Codified Ordinances, entitled "Rental Property", be amended to read as attached hereto as "Addendum A".

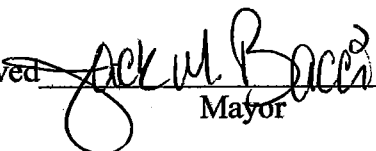
SECTION 2. That Chapter 1494 of the Codified Ordinances, as it existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

SECTION 3. This Ordinance shall take effect immediately provided it receives the unanimous vote of all members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 10, 2008

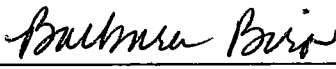
Effective: September 10, 2008

ATTEST:

Approved 
Mayor


President of Council

On September 10, 2008


Clerk of Council

**CHAPTER 1494
RENTAL PROPERTY**

1494.01 COMPLIANCE FOR RENTED AND LEASED PREMISES

No owner, operator or agent shall rent or lease, or offer for rental or lease, any dwelling units, dwelling structures or any parts thereof which do not comply with the provisions of this Chapter 1494 and Chapter 1492 of the Building and House Code.

1494.02 CERTIFICATE OF RENTAL PROPERTY OCCUPANCY

(a) Certificate Of Rental Property Occupancy Required On and after July 1, 2009, no owner, agent or person in charge of any dwelling structure used or designed, or intended to be used, as a single-family dwelling, two-family dwelling, or multiple dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of rental property occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void. Dwelling units shall be deemed rented or leased, or intended to be rented or leased, if the owner of the dwelling unit does not reside in the dwelling unit and allows, or intends to allow, other persons to reside in the dwelling unit regardless of whether rent is actually charged or paid.

(b) Certificate Issuance, Contents, Term And Revocation

(1) Application for a certificate of rental property occupancy required by the provisions of this Building and Building and Housing Code shall be made annually by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the name, address and telephone number of the owner of the property, the name, address and telephone number of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, a list of the tenants of each unit, and a list of the persons living in each dwelling unit along with their telephone number and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be timely conveyed to the Building Commissioner to allow for up-dating of records.

(2) If a dwelling unit or dwelling structure intended for rent or lease is found in compliance with the provisions of this Building and Housing Code, and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of rental property occupancy for such building or structure, which shall contain the following information:

A. The street address or other identifying characteristics of the building or other structure.

B. The name and address of the owner and, if the owner does not reside on the premises, the name and address of the resident agent in charge of the building or structure, and the name and address of the nonresident agent, if any.

C. The exact nature and extent of the use or occupancy authorized.

D. The period for which such certificate of rental property occupancy is issued.

Such certificate shall be valid until June 30 of each year, except that if the first certificate issued for newly-rentable residential property is issued after January 1, it shall be valid until June 30 of the following year.

(3) The Building Commissioner shall have the power to revoke a certificate of rental property occupancy if any false statement is made by the applicant in connection with the issuance of such certificate, or for noncompliance of a structure or its use with the requirements of this Building and Housing Code, or if the owner, agent or person in charge of a structure refuses to comply with any applicable provision of this Building and Housing Code.

(c) Failure To Apply For Certificate; Renewals. The owner of a dwelling structure which subsequently is completed and becomes available for occupancy shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until such certificate of rental property occupancy has been issued. Failure to so apply shall be deemed to be a violation of this Building and Housing Code and shall subject the owner of the structure to the legal action and penalty prescribed herein.

For each twelve (12) month period beginning July 1, 2009, and for each year thereafter, the owner of a dwelling structure requiring a certificate of rental property occupancy shall apply for such certificate on or before the April 1 of that year.

(d) Availability Of Certificate

The owner or owner's agent of a dwelling structure requiring a certificate of occupancy, shall have such certificate available on the licensed premises, or otherwise readily available, for exhibition to the Building Commissioner or other authorized Village personnel.

(e) Fees For Original Certificate

(1) An application for a certificate of rental property occupancy for any residential property in the Village shall be accompanied by a fee of fifty dollars (\$50.00) for the first dwelling unit in building plus twenty-five dollars (\$25.00) for each additional dwelling unit in a double house, two-family dwelling, or multiple dwelling. All fees for certificates of occupancy shall be nonrefundable.

(2) Any renewal application received after April 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent.

(f) Changes; New Certificate Of Occupancy; Fees

(1) If there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Commissioner within the specified time shall constitute a violation of this Building and Housing Code.

(2) If there is a change in ownership of record, the certificate of rental property occupancy issued under the provisions of this Building and Housing Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and a new certificate of rental property occupancy must be obtained by the new owner. Application for such new certificate of rental property occupancy shall be made not more than thirty (30) days after such change of ownership has occurred, on forms supplied by the Building Commissioner. A fee of ten dollars (\$10.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces.

(3) If there is a change in tenants, the certificate of rental property occupancy issued under the provisions of this Building and Housing Code shall become null and void within thirty (30) days of date of such change in tenants, and a new certificate of rental property occupancy must be obtained by the owner. Application for such new certificate of rental property occupancy shall be made not more than thirty (30) days after such change of tenants has occurred on a form supplied by the Building Commissioner. A fee of ten dollars (\$10.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces. For purposes of this Chapter 1492, a tenant is a person legally obligated to the property owner or agent for use of the dwelling unit under a written or verbal lease or rental agreement.

(4) Any change in the nature or extent of the use or occupancy as specified on the certificate of rental property occupancy shall render the certificate of rental property occupancy null and void upon the happening of such change. No such change is permissible under this Building and Housing Code unless such change has been approved

by the proper Village authorities pursuant to this Building and Housing Code, and unless a new certificate of occupancy, incorporating such change, has been issued. A fee of ten dollars (\$10.00) shall be paid upon application for each such new certificate. If such change involves the addition of any dwelling units to the number of dwelling units previously authorized, an additional five dollars (\$5.00) shall be charged for each such additional dwelling unit, regardless of the date authorized. Such new certificate shall expire on the same date as that of the certificate which it replaces.

1494.03 INSPECTIONS

The Building Commissioner and/or his or her authorized representative shall make, or cause to be made, inspections of the interiors and exteriors of all dwelling units, dwelling structures, and residential rental premises and secondary or appurtenant structures thereon, which are leased or rented or intended to be leased or rented, to determine whether or not such structures or premises conform with the Building and Housing Code including Chapter 1492. Such inspections shall occur at least biannually, upon any change in ownership of the dwelling unit (such inspection will be satisfied by an inspection conducted pursuant to Section 1444.05), and upon any change in tenants of the dwelling unit. Such inspections may also be made whenever the Building Commissioner has reasonable cause to believe that a violation of the Building and Housing Code exists therein or thereon.

1494.04 RIGHT OF ENTRY

Upon presentation of proper credentials, the Building Commissioner and/or his or her authorized representative may request entry to all property areas, into any dwelling unit, dwelling structure, or premises in the Village, at all reasonable times (or at such other times as may be necessary in an existing emergency), to perform any duty imposed upon him or her. If such entry is refused, then entry may be had pursuant to a search warrant issued by a court of competent jurisdiction.

1494.99 PENALTY

Whoever violates or fails to comply with any provisions of this chapter 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, for each offense. A separate offense shall be deemed committed each day during which a violation or noncompliance occurs or continues.

