

ORDINANCE NO. 2018 – 4

**AN ORDINANCE AMENDING PARMA HEIGHTS CODIFIED ORDINANCE
CHAPTER 1394 AND DECLARING AN EMERGENCY**

WHEREAS, the Director of Public Service recommends that Chapter 1394 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, the Council has reviewed the proposed amendments submitted by the Director of Public Service to Chapter 1394 of the Parma Heights Codified Ordinances; and

WHEREAS, the Council concurs with the recommendations of the Director of Public Service to make amendments to Chapter 1394 of the Parma Heights Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. Chapter 1394 of the Codified Ordinances of the City of Parma Heights is amended to read as follows:

CHAPTER 1394

Registration and Exterior Inspection of Rental Properties

1394.01 Finding of fact; declaration of policy.

1394.02 Purpose.

1394.03 Definition.

1394.04 Registration required.

1394.05 Fees.

1394.06 Inspection requirements.

1394.07 Registration of rental housing properties; tenants.

1394.08 Refused access, search warrants or access warrants.

1394.09 ~~Certificate of Occupancy~~ Rental Certification

1394.10 Penalty; equitable remedies.

Apartment buildings - see BUS. REG. Chapter 711

1394.01 FINDING OF FACT; DECLARATION OF POLICY.

It is hereby found and declared that there exists in the City rental housing properties which are, or may become in the future, substandard with respect to the structure and maintenance thereof, or, further, that conditions, including but not limited to structural deterioration, lack of maintenance, the appearance of the exterior of the premises, the existence of fire hazards and unsanitary condition, constitute a menace to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the City. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating

blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and immediate neighborhood and property values thereby maintained, the desirability and amenities of rental housing properties and immediate neighborhoods enhanced and the public health, safety and welfare protected and fostered.

1394.02 PURPOSE.

The purposes of this chapter are to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of all rental housing properties, to impose certain responsibilities and duties upon owners and operator; to authorize and establish procedures for the exterior inspection of rental housing properties; to provide for the issuance of ~~certificate of occupancy~~ rental certification; to establish a fee schedule for inspection; to authorize the vacation or condemnation of dwelling structures that are unsafe or unfit for human habitation; and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

1394.03 DEFINITION.

“Rental property,” as used in this section, means any property, ~~whether improved as a residential or commercial structure, rented or leased, in part or in whole, to an individual or business who or that is not the owner of the property, whether or not such individual or business is paying consideration in the form of money or other valuable consideration.~~ that is zoned as rental property or is not owner occupied is considered under the definition of rental property and registration required with the City of Parma Heights.

DESIGNATED CITY OFFICIAL: The Director of Public Service and/or his designee.

DWELLING: Any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.

DWELLING UNIT: A space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used by only one family.

OWNER: The person claiming, or in whom is invested, the ownership, dominion, or title of real property, including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgage, receiver, executor or trustee in control or real property. ~~but not including the holder of leasehold estate or a tenancy for initial term of less than five years.~~

PERSON: An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest or any other legal or community entity.

PROPERTY MANAGER: A person other than the owner that has managing control of a rental unit.

RENT: The offering, holding out or actual leasing of rental property to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

RENTAL HOUSING PROPERTY: Any dwelling unit; or any rented room within a single family or two family dwelling, duplex, condominium or townhouse where either money or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, is occupying the unit, whether or not such person pays money or other valuable considerations therefor.

Community Residential Facilities are not defined as rental housing property and are subject to the requirements of Chapter 1189 (Community Residential Facilities) of the Codified Ordinance.

TENANT: Any person who rents or leases a rental housing property living or dwelling purposes with the consent of the landlord, whether or not rent is paid to the owner.

1394.04 REGISTRATION REQUIRED.

All rental housing properties located in the City, as defined in this chapter, or which hereafter become rental housing properties, shall be registered by the owner thereof with the Director of Public Service. ~~Said registration shall be valid for a period of one year.~~

1394.05 FEES.

~~(b) The fees for inspection shall be one hundred dollars (\$100.00).~~

~~(c) A re-inspection fee of fifteen dollars (\$15.00) shall be assessed for any additional inspections needed if violations are not corrected within the amount of time given by the Director of Public Service.~~

An application and registration fee of \$100.00 shall be submitted to the Building Inspector for each rental property as described in 1394.03 and renewed each year the property is rented by March 1st. Any rental registration renewed after March 1st shall be assessed a late fee of an additional \$100.00, for a total of \$200.00.

A re-inspection fee of fifteen dollars (\$15.00) shall be assessed for any additional inspections needed if violations are not corrected within the amount of time given by the Director of Public Service.

1394.06 INSPECTION REQUIREMENTS.

All inspections shall adhere and meet the requirements of the Ohio Residential Code. The property must pass an exterior inspection and all fees paid prior to Rental Certification being issued.

1394.07 REGISTRATION OF RENTAL HOUSING PROPERTIES; TENANTS.

- (a) Each owner of a rental housing property within the City shall register each rental housing property with the designated city official within 30 days of the effective date of this Chapter and shall renew the registration annually. Each new owner of a rental housing property within the City shall make application for a registration with the Service Department within 30 days after the date of acquiring ownership of a rental housing property. If an owner fails to timely register a rental housing property, the registration fee shall be doubled. The owner shall also be subject to the penalty provisions set forth below.
- (b) The owner, operator and/or agent of any rental housing property within the City shall, upon a form provided therefore by the Building Inspector and available at his or her office, register the premises by designating thereon the name and address of the owner, operator, and the name and address of an agent in charge of the premises residing in the Municipality who may be the owner, operator, lessor or agent. If there shall be more than one person as the owner, operator and/or agent, then a separate or single combined registration may be filed, as such persons may elect.
- (c) The owner, operator, and/or agent of any rental housing property within the City shall, upon a form provided therefor by the Building Inspector and available at his or her office, register each tenant of each rental housing property within the dwelling structure.

1394.08 REFUSED ACCESS, SEARCH WARRANTS OR ACCESS WARRANTS.

- (a) Refused Access. Where the Building Inspector or his or her agent is refused access or is otherwise impeded or prevented by the owner, operator, occupier or agent from conducting an inspection of a rental housing property, such person shall be in violation of this chapter and subject to the penalties hereunder.
- (b) Search Warrants or Access Warrants. In addition to the provisions of division (a) of this section, the Building Inspector may, upon affidavit, apply to Parma Municipal Court for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises. If the Court is satisfied as to the matter permitting access to and inspection of that part of the premises on which the nuisance or violation exists. A warrant for access may be issued by the Court upon an affidavit of the Building Inspector establishing grounds therefor.

1394.09. ~~CERTIFICATE OF OCCUPANCY.~~ RENTAL CERTIFICATION.

- (a) No owner or resident agent shall permit a person to occupy a rental housing property Unless the Building Inspector has issued to the owner or resident agent ~~certificate of occupancy~~ rental certification for such rental housing property.
- (b) Application for a ~~certificate of occupancy~~ rental certification shall be made separately for each rental housing property 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 Inspector. Such information shall include, but need not be limited to, the following:
- (1) A statement that the information is necessary for tax purposes;
 - (2) The name, address and telephone number of the owner of the rental housing property;
 - (3) The name, address and telephone number of the resident agent of the rental housing property if one is required;
 - (4) The address of the rental housing property and the number of rental units contained within the rental housing property;
 - (5) The current name, address, business and/or home telephone number, of the persons who, since the last application, have been occupying the rental housing unit, and the address or other identification of the rental housing unit which they occupied;
 - (6) The familial relationship, if any, among the persons listed in division (b)(5) of this section;
 - (7) The name of the head of the household of each rental housing unit; and
 - (8) Such other information as may be requested on a voluntary basis.
- (c) The Building Inspector may revoke a ~~certificate of occupancy~~ rental certification if any false statement appears in the application or if the information contained in the application is inaccurate.
- (d) ~~(1) A certificate of occupancy shall expire one year from the date of its issuance, or from the date of commencement of occupancy, whichever date is earlier.~~
- (2) An application for renewal of a ~~certificate of occupancy~~ rental certification shall be submitted to the Building Inspector. ~~no earlier than 30 days prior to the expiration date of the certificate and no later than the expiration date. A rental certification must be obtained each year the property is registered. Registration is required to be renewed each year by March 1st.~~
 - (3) Rental Certification must be obtained each year the rental housing property is registered. Registration is required to be renewed each year on or before March 1st. A rental certification shall expire on December 31st of each year.

- (4) Registration is not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title.

1394.10 APPEALS

The Board of Zoning Appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in the decision or determination regarding the issuance of a rental certification in accordance with Section 1139.09 through Section 1139.12 of the Codified Ordinances.

Property maintenance code violations are subject to the procedures set forth in Chapter 1363 of the Codified Ordinances.

1394.11 PENALTY; EQUITABLE REMEDIES.

Penalty. Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor in 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 or on which a violation or noncompliance occurs or continues.

Application to Officers or Agents. Where the defendant is other than a natural person, division (a) of this section shall also apply to any agent, superintendent, officer, member or partner who shall, alone or with others, have the charge, care or control of the premises.

Other Legal Action. The imposition of any penalty shall not preclude the Department of Law from instituting any appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a dwelling, building, structure or premises; or to require compliance with the provisions of this chapter of other applicable laws, ordinances, rules or regulations or with the orders or determination of the Building Inspector.

Section 2. Chapter 1394 of the Codified Ordinances as it has heretofore existed is repealed effective immediately.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Council declares this Ordinance to be an emergency measure for the Immediate preservation of the public health, peace and safety of this municipality and for the further reason that is necessary to provide for a more efficient administration of the ordinance wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: 1-22-2018

Mari Gill
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

1-22-2018
APPROVED

FILED WITH
THE MAYOR: 1-22-2018

[Signature]
MAYOR