

Parma Heights, OH Code of Ordinances

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.
- 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.

(Ord. 2006-11. Passed 4-10-06.)

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 certificates of occupancy; 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.

(Ord. 2006-11. Passed 4-10-06.)

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.

(Ord. 2006-11. Passed 4-10-06.)

1394.04 REGISTRATION REQUIRED.

All rental properties located in the City, as defined in this chapter, or which hereafter become rental 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.

(Ord. 2006-11. Passed 4-10-06.)

1394.05 FEES.

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

(b) 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.

(Ord. 2006-11. Passed 4-10-06; Ord. 2010-1. Passed 1-25-10.)

1394.06 INSPECTION REQUIREMENTS.

All inspections shall adhere to the requirements of the Ohio Residential Code.

(Ord. 2006-11. Passed 4-10-06.)

1394.07 REGISTRATION OF RENTAL HOUSING PROPERTIES; TENANTS.

(a) 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.

(b) 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 unit within the dwelling structure.

(Ord. 2006-11. Passed 4-10-06.)

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.

(Ord. 2006-11. Passed 4-10-06.)

1394.09 CERTIFICATE OF OCCUPANCY.

(a) No owner or resident agent shall permit a person to occupy a rental housing unit unless the Building Inspector has issued to the owner or resident agent a certificate of occupancy for such rental unit.

(b) Application for a certificate of occupancy shall be made separately for each rental unit 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 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 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.

(Ord. 2006-11. Passed 4-10-06.)

1394.10 PENALTY; EQUITABLE REMEDIES.

(a) 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.

(b) 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.

(c) 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.

(Ord. 2006-11. Passed 4-10-06.)

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