

ORDINANCE NO. 2012 -53

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE ENACTING NEW
CHAPTER 1352 TO THE CODIFIED ORDINANCES OF
THE VILLAGE OF OAKWOOD RELATING TO RENTAL
LICENSES/OCCUPANCY PERMIT AND DECLARING AN
EMERGENCY**

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. New Chapter 1352 shall be added to the Codified Ordinances of the Village of Oakwood and, as enacted, shall read as follows:

**CHAPTER 1352
Rental License/Occupancy Permits**

1352.01 DEFINITIONS.

(a) "Owner" means any individual, person, firm, partnership, corporation or company acting on behalf of a property owner of a dwelling as defined in Section 1135.05 of the Planning and Zoning Code.

(b) "Rental Unit" shall mean the occupancy of a dwelling by persons who are not the owners of such unit. If the unit is owned by a corporation or a partnership and the occupier is less than fifty percent (50%) owner of the unit, an inspection, Rental License/Permit is required.

1352.02 RENTAL LICENSE.

(a) No owner of any dwelling shall rent or lease such rental unit or any part thereof for residential occupancy, nor shall any person occupy such rental unit unless the owner thereof holds a Rental License issued by the Chief Building Official, or his assistant, which license and occupancy permit has not expired, been revoked or otherwise become null and void.

(b) Application for a Rental License/Occupancy Permit required by the provisions of this Chapter shall be made by the owner not less than fifteen (15) days prior to occupancy. Such application shall be made on a form prescribed by the Chief Building Official which shall include the following information:

- (1) The street address of the premises or the specific address of the parts of part of the rental unit if the entire structure is not involved.
- (2) The name, address and telephone number of the owner or agent in charge and where such person may be reached during business hours.
- (3) An indication as to why the application is being requested, i.e., rental, lease or land contract.
- (4) Proposed date of occupancy.
- (5) The name, address and telephone number of the prospective or current tenant, his agent or representative. If the prospective tenant is unknown at the time application for a Rental License/Occupancy Permit is made, the owner shall supply such information to the Chief Building Official as soon as it is known, but in any event, prior to the issuance of a Rental License/Occupancy Permit.

1352.03 INSPECTION PRIOR TO ISSUANCE.

(a) Within fifteen (15) days of the receipt of the Rental License/Occupancy Permit Application, the Chief Building Official, or his assistant, shall inspect the premises for the purpose of determining compliance or noncompliance of the Building Code. The prospective or current lessor of the premises shall have the right to be present at the initial and any subsequent inspections.

(b) Such inspections shall be made between 9:00 a.m. and 4:00 p.m. and the Chief Building Official, or his assistant, shall at all times cooperate with the applicant in setting up an appointment for such inspections. The applicant shall be required to notify the prospective of current tenant of such appointment and of his or her right to be present.

(c) The Chief Building Official, or his assistant, shall present proper identification to the owner, agent or current lessor of the premises before entering.

(d) The applicant shall cooperate with the Chief Building Official, or his assistant, for the purpose of making such inspection and failure to cooperate is a violation of this Chapter.

(e) In the event of the inability of the Chief Building Official, or his assistant, to determine the status or condition of any specific item or items due to weather or conditions such as snow covered roofs, driveways, patios, etc., shall be noted on the inspection sheet. The inability to determine the status of any such condition shall not constitute a waiver of any existing violation ascertained at a later time under proper conditions. Follow-up inspections shall be scheduled not later than six (6) months from the date of the initial inspection at which the conditions existed that prohibited a complete inspection and shall be conducted in a manner and with notice as set forth herein. The applicant shall be responsible for the correction of any violations.

(f) All interior violations shall be corrected within ninety (90) days and all exterior violations shall be corrected and reinspected within one hundred eighty (180) days.

1352.04 ISSUANCE.

(a) If, upon inspection or re-inspection of the premises, it is determined that the same is in compliance with the Building Code, the Chief Building Official, or his assistant, shall issue a Rental License/Occupancy Permit to the owner of the premises. Such Rental License/Occupancy Permit shall be valid for a period of twelve (12) months from the date of issuance unless revoked.

(b) The owner shall have the right to appeal the denial or revocation of a Rental License/Occupancy Permit pursuant to Chapter 1143 of the Planning and Zoning Code.

1352.05 RENTAL LICENSE/OCCUPANCY PERMIT FEES.

(a) The owner of a rental unit(s) shall pay a fee of Fifty dollars (\$50.00) for each rental unit and a reinspection fee, if necessary, of Twenty-Five dollars (\$25.00) for each rental unit. These fees cover a twelve (12) month period of time, after which the Rental License/Occupancy Permit must be renewed.

1352.99 PENALTY.

(a) Whoever violates any provision of this Chapter or any rule or regulation promulgated hereunder or fails to comply therewith or any written notice or order issued there under shall be guilty of a first degree misdemeanor and subject to a maximum fine of One Thousand Dollars (\$1,000.00), a maximum imprisonment term of six (6) months, or both.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village and, provided it receives two-thirds ($\frac{2}{3}$) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: September 25, 2012

Johnnie A. Warren
Johnnie A. Warren, President of Council

Debra L. Hladky
Debra L. Hladky, Clerk of Council

Presented to the Mayor September 26, 2012

Approved: September 26, 2012

Gary V. Gottschalk
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2012 - 53 was duly and regularly passed by this Council at the meeting held on the 25th day of Sept. 2012.

Debra L. Hladky
Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2012 - 53 was duly posted on the 26 day of September 2012, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Debra L. Hladky
Debra L. Hladky, Clerk of Council

DATED: September 26, 2012