ORDINANCE NO. 06-98
INTRODUCED BY: Pohlkamp

AN ORDINANCE
ENACTING NEW C.O. CHAPTER 1365 ENTITLED "RENTAL DWELLING HOUSING LICENSE CODE", AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1: That the codified Ordinances of the City of Bay Village are hereby amended by enacting new Chapter 1365 to read as follows:

"RENTAL DWELLING HOUSING LICENSE CODE

1365.01 TITLE.

The provisions of this chapter, hereinafter referred to as "this Code" shall be known as "The Bay Village Rental Dwelling Housing License Code". The word "City" in this chapter shall mean the City of Bay Village.

1365.02 PURPOSE.

Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to constitute a blighting or deteriorating influence on the neighborhood and the community; to protect property values and maintain the character and appearance of neighborhoods and the community; to attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to establish the inspection of rental dwellings; to establish the fee for housing license; to establish enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for human habitation; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

1365.03 GENERAL SCOPE.

The provisions of this Code shall supplement any and all laws of the State of Ohio and City Ordinances and specifically shall include all rules and regulations promulgated by authority of such laws or ordinances applicable to rental dwellings, their exterior property areas and accessory structures.

1365.04 APPLICATION.

a) This Code shall apply to all rental dwellings, their exterior property area and accessory structures.
b) Existing buildings may continue to be occupied as rental dwellings if:
    (1) The rental dwelling complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals.

holder. For purposes of this ordinance an officer of a corporation and/or company can and shall be the owner of record.

g) Rental Dwelling: a dwelling occupied by a family where consideration in the form of money or other valuable consideration is paid or exchanged with the legal owner; or occupancy is by a family who is not the legal owner and no money or consideration is paid to the owner.

h) Single Housekeeping Group: a group of individuals who share expenses and/or labor related to the maintenance of a dwelling and who are living and eating together in a dwelling.

1365.08 HOUSING LICENSE.

a) No owner shall let, rent, lease, operate, maintain or occupy any building or portion of any building in which there is one or more rental dwellings unless a housing license as required by this chapter is in force. The housing license shall be signed by the owner as defined in this ordinance.

1365.09 HOUSING LICENSE FEE.

a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by Chapter 1305 Section 1305.02(K).

b) All housing licenses required by this Code and not secured by the applicable dates as stated in Section 1365.12 shall incur a late fee of seventy five dollars ($75.00) per rental dwelling for which the housing license is required.

1365.10 HOUSING LICENSE ISSUANCE.

a) The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Code and all other laws and ordinances of the City. The housing license shall be posted on the interior at the main entrance of the building for which it is issued. The Building Director may inspect and/or cause to be inspected the building and require compliance in all respects with this Code and all other laws and ordinances prior to the issuance of the housing license.

1365.11 HOUSING LICENSE NONRESIDENT APPLICANT.

a) A nonresident owner of a rental dwelling shall designate either a janitor, custodian, agent or other responsible person in control for each rental dwelling building and such person shall be a resident of a county as listed in 1365.07(d).

b) Such janitor, custodian, agent or other responsible person shall be available during normal business hours to the Building Department and to the occupants of the rental dwelling. A schedule listing the name, address, phone number and available hours of the janitor, custodian, agent or other responsible person shall be posted on the housing license.

structures shall be the responsibility of the building owner to provide pest extermination as required.

1365.16 VOIDING HOUSING LICENSE.

Any housing license shall become null and void if:

a) The building for which the license was granted or the use to which it is put are in violation of this code and/or any other applicable ordinance of the City.

b) A false statement or representation was made by the owner in connection with the application and issuance of the housing license.

c) The building for which the license was applied, has rental dwellings added that were not stated on the application and shown on the housing license.

1365.99 PENALTY.

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1000.00) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense."

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt the most current rental license regulations, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: October 2, 2006

/s/ Brian C. Cruse
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: October 3, 2006

/s/ Deborah L. Sutherland
MAYOR
jc
6/23/06