

ORDINANCE
**AMENDING A PORTION OF CHAPTER 1365 OF THE CODIFIED ORDINANCES
OF THE CITY OF BAY VILLAGE RELATING TO SHORT-TERM RENTALS,
AND DECLARING AN EMERGENCY**

WHEREAS, The City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

WHEREAS, in order to protect and preserve the character and tranquility of the City's residential neighborhoods and to protect the health, safety, and welfare of the City and its residents, the City wishes to prohibit short-term rentals;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Chapter 1365 which presently reads as follows:

Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE^[23]

Footnotes:

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Cross reference— Discrimination in housing rental—see GEN.OFF. 515.03. Basic standards for residential occupancy—see BLDG. 1344.04.

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.

(Ord. 06-98. Passed 10-2-06.)

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.

(Ord. 06-98. Passed 10-2-06.)

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.

(Ord. 06-98. Passed 10-2-06.)

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.

(2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Director of the Division of Building, Engineering and Inspections and his authorized agents or representatives are designated to enforce this Code.

(Ord. 06-98. Passed 10-2-06.)

1365.05 - Conflict with other ordinances.

In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City; that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

(Ord. 06-98. Passed 10-2-06.)

1365.06 - Severability.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions and the holding of any such section, subsection and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section, subsection and provision thereof.

(Ord. 06-98. Passed 10-2-06.)

1365.07 - Definitions.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

- (a) *Dwelling* means a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.
- (b) *Family* means an individual or two or more persons living together as a single housekeeping group in a dwelling.
- (c) *Housing license* means an application form provided by the Building Department which authorizes the operation of a rental dwelling.
- (d) *Non-resident* means the owner of a rental dwelling, who at the time of application for a housing license, does not reside within Cuyahoga County and/or adjoining counties, i.e.: Lake, Geauga, Portage, Summit, Medina, Lorain or relocates outside these counties after he has been issued a housing license for a rental dwelling, or who for 30 consecutive days or more is located outside the above designated area.
- (e) *Occupant* means a family or family member living in a rental dwelling.
- (f) *Owner* means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed 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* means 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* means 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.

(Ord. 06-98. Passed 10-2-06.)

1365.08 - Housing license.

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 chapter.

(Ord. 06-98. Passed 10-2-06.)

1365.09 - Housing license fee.

- (a) A nonrefundable non-prorated housing license fee shall be paid to the City in the amount required by 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 \$75.00 per rental dwelling for which the housing license is required.

(Ord. 06-98. Passed 10-2-06.)

1365.10 - Housing license issuance.

The Building Director shall issue the license applied for if the building and its uses are found to comply in all respects with this Standard 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 Standard and all other laws and ordinances prior to the issuance of the housing license.

(Ord. 13-117. Passed 2-24-14.)

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 Section 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.

(Ord. 06-98. Passed 10-2-06.)

1365.12 - License expiration.

Every housing license shall be secured by and expire no later than:

(a) All rental dwelling owners shall have secured from the City by April 1 the required housing license.

(b) All rental dwelling housing licenses shall expire on March 31 of each year irrespective of the date of issuance.

(c) Whenever the ownership of a rental dwelling changes, the current housing license shall become null and void. Housing licenses are not transferable. The new owner shall, within 15 days of title transfer, secure a housing license as required by this Code.

For the purpose of this Code, execution of a "land contract agreement" shall not be considered as change of ownership.

(Ord. 06-98. Passed 10-2-06.)

1365.13 - Inspections.

(a) The Building Director is hereby authorized to make or cause to be made inspections to determine the condition of rental dwellings in order that he may perform his duty of safeguarding the health and safety of the occupants and of the general public.

(b) Inspections may also be made whenever the Building Director has reasonable cause to believe a violation of the Laws and/or Ordinances of the City exist.

(c) The Building Director is authorized to revoke a housing license when access is denied to make an inspection.

(Ord. 06-98. Passed 10-2-06.)

1365.14 - Right of entry.

(a) For the purpose of making inspections, the Building Director and/or his authorized agent, upon presentation of proper identification, may enter and inspect at all reasonable times the rental dwelling. The owner, responsible person and/or the occupant shall give free access to the rental dwelling for the purpose of inspection.

(b) Every occupant of a rental dwelling shall give the owner or his agent free access to the rental dwelling at all reasonable times for the purpose of making repairs and/or improvements that are necessary to comply with the laws and ordinances of the City.

(Ord. 06-98. Passed 10-2-06.)

1365.15 - Pest extermination.

(a) Every occupant of a building containing a single rental dwelling shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises. Exterior yard areas and any accessory structures shall be the responsibility of the dwelling owner to provide pest extermination as required.

(b) Every occupant of a building containing two or more rental dwellings shall be responsible for the extermination of any insects, vermin, rodents or other pests within their rental dwelling unit. Common, shared and/or public areas, exterior areas and any accessory structures shall be the responsibility of the building owner to provide pest extermination as required.

(Ord. 06-98. Passed 10-2-06.)

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.

(Ord. 06-98. Passed 10-2-06.)

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 \$25.00 nor more than \$1,000.00 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.

(Ord. 06-98. Passed 10-2-06.)

be and the same is amended to read:

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10.29.2019

Chapter 1365 - RENTAL DWELLING HOUSING LICENSE CODE^[23]

Footnotes:

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(2) The use and occupancy of the rental dwelling is not in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(3) A housing license as required by this Code has been applied for, issued is current and in effect.

(c) The provisions of this code shall apply to all such rental dwellings, their exterior property areas and accessory structures or portions thereof which are in existence or which may come into existence after the effective date of this Code.

(d) The Building Director of the Division of Engineering and Inspections and his authorized agents or representatives are designated to enforce this Code.

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(e) *Occupant* means a family or family member living in a rental dwelling.

(f) *Owner* means a person, corporation and/or company whether incorporated or not, who has legal right of possession, lawful title and/or the deed 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* means 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* means 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.

(Ord. 06-98. Passed 10-2-06.)

(i) *Short-term rental* means the right to use, occupy or possess, or the actual use, occupancy or possession, of a rental dwelling through a rental for temporary, transient occupancy for dwelling, sleeping or lodging, for a period of time less than twenty-nine (29) continuous days.

1365.08 - Housing license.

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(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.

(Ord. 06-98. Passed 10-2-06.)

(d) The use and occupancy of the rental dwelling, is in violation of any provision of City ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

1365.17 – Short-term Rental Prohibition.

No person shall operate, let, rent, list, advertise, or otherwise make available, any rental dwelling in the City of Bay Village for the purpose of a short-term rental.

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 \$25.00 nor more than \$1,000.00 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.

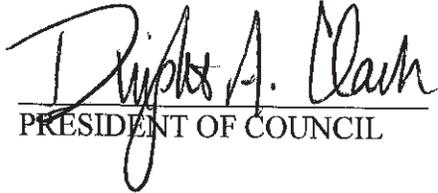
(Ord. 06-98. Passed 10-2-06.)

and present Chapter 1365 is hereby repealed.

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 committee 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, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: November 18, 2019


PRESIDENT OF COUNCIL


CLERK


MAYOR

10.29.19 jt