

ORDINANCE NO. 16-67  
BY: Anne Williams

Amending Section 547.03 of the Business Regulation Code, and Sections 1409.03, 1411.25, 1413.01, 1415.02, 1415.05, 1421.02, and 1421.05 of the Housing Code of the Codified Ordinances of the City of Shaker Heights.

WHEREAS, Section 547.03 of the Business Regulation Code of the Shaker Heights Codified Ordinances was enacted in Ordinance 97-183, adopted on November 24, 1997, and amended by Ordinance 13-114, adopted on December 16, 2013; and

WHEREAS, Section 1409.03 of the Housing Code of the Shaker Heights Codified Ordinances was enacted in Ordinance 98-37, adopted on March 23, 1998; and

WHEREAS, Sections 1411.25 and 1421.05 of the Housing Code of the Shaker Heights Codified Ordinances were most recently amended in Ordinance 02-93, adopted on July 22, 2002; and

WHEREAS, Section 1413.01 of the Housing Code of the Shaker Heights Codified Ordinances was most recently amended in Ordinance 13-100, adopted on November 25, 2013; and

WHEREAS, Section 1415.02 of the Housing Code of the Shaker Heights Codified Ordinances was most recently amended in Ordinance 00-126, adopted on October 16, 2000; and

WHEREAS, Section 1415.05 of the Housing Code of the Shaker Heights Codified Ordinances was most recently amended in Ordinance 09-76, adopted on July 27, 2009;

WHEREAS, Section 1421.02 of the Housing Code of the Shaker Heights Codified Ordinances was most recently amended in Ordinance 05-140, adopted on December 19, 2005; and

WHEREAS, one of the goals of the City's 2015 Housing and Neighborhood Plan was to explore measures that would encourage property owners, particularly landlords, to be more responsible; and

WHEREAS, as a result of the impact of the foreclosure crisis in the City there has been an increase in the number of nuisance, vacant, and abandoned residential properties, as well as absentee owners, and many of these owners are entities such as limited liability companies (LLCs) or partnerships (LLPs), or corporations; and

WHEREAS, Ohio law requires that any entity, such as a corporation, LLC or LLP, in order to transact business in Ohio, including by buying or selling real estate, must without having first registered with the Ohio Secretary of State (Ohio Rev. Code §1705.54), includes the requirement that the entity appoint a statutory agent for the service of legal process; and

WHEREAS, the City can take measures to enforce this State law requirement through various approvals and licenses issued by the City,

including requiring that the entities involved in the following transactions be registered with the Ohio Secretary of State:

- a. for obtaining a certificate of occupancy in order to rent residential property;
- b. for both buyers and sellers of residential properties, which will be enforced through the point of sale process;
- c. for a resident agent named by an owner of a residential property who resides outside Cuyahoga County, which is required by Section 1409.03(b) of the Housing Code; and
- d. for contractors registering with the City's Building Department, as an additional layer of protection for homeowners in the City, as well as for the City in tracking down contractors if necessary; and

WHEREAS, the City should codify current standards for the inspection of residential driveways and walkways on private property; and

WHEREAS, the City's Housing Code should be updated to allow the Housing Inspection Department to determine a reasonable period of time in which a particular violation should be corrected; and

WHEREAS, the City's Housing Code should be clarified to define specifically that a property is considered a rental property for the purposes of requiring a certificate of occupancy when it is rented for 30 or more days per year.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. That Sections 547.03 of the Business Regulation Code, and Sections 1409.03, 1411.25, 1413.01, 1415.02, 1415.05, 1421.02, and 1421.05 of the Housing Code of the Code of the Codified Ordinances of the City of Shaker Heights as currently in effect are hereby repealed.

Section 2. That Section 547.03 of the Business Regulation Code, and Sections 1409.03, 1411.25, 1413.01, 1415.02, 1415.05, 1421.02, and 1421.05 of the Housing Code of the Code of the Codified Ordinances of the City of Shaker Heights are hereby amended as follows:

547.03 REQUIREMENTS FOR CERTIFICATION.

(a) An application for a Certificate of Contractor Registration shall be filed each year with the Commissioner of Building. An application may be filed no sooner than December 1 of the year preceding the time of registration.

(b) The application shall include the following:

(1) An application form requiring:

- A. The name, address, business and home telephone numbers, and social security number or federal employer identification number of the applicant;
- B. The name, address and social security number of each employee and subcontractor of the applicant who are currently working on any site in the City;
- C. The name, address and social security number of each employee and subcontractor of the applicant who worked on any site in the City during the calendar year preceding the year of registration, provided that, in the case of an applicant which files its

application prior to January 31 of the year of registration, the Commissioner of Building may issue a Certificate of Registration on condition that the applicant submits this information no later than January 31 and if the information is not so submitted, the Commissioner may suspend the conditional Certificate of Registration until such time as the information is submitted, upon giving written notice to the contractor as provided in Section 547.04(b);

- D. A list of current licenses held by the applicant from governmental entities within Cuyahoga County or contiguous counties, with certified copies of the licenses attached (for electrical, plumbing and sewer contractors, the Commissioner of Building shall require that the applicant has a license from a governmental agency in Cuyahoga County or contiguous counties which has given a competent qualifying examination);
  - E. A list of the names, addresses and telephone numbers of municipalities within Cuyahoga County or contiguous counties where the applicant has done work;
  - F. If the applicant is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that it is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.
- (2) A certificate of insurance naming the City and its agents as additional insured parties in the minimum amounts of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per occurrence for bodily injury and fifty thousand dollars (\$50,000) per occurrence for property damage.

1409.03 NOTICE OF VIOLATION; DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING NOTICE.

(a) Whenever the Director of Housing Inspection finds any dwelling, structure or premises, or any improved real estate, or any part thereof, to be in violation of the provisions of this Housing Code, the Director shall give or cause to be given or mailed to the owner, agent or occupant of such structure or premises a written notice stating the violation therein. Such notice shall order the owner, agent or occupant within a stated reasonable time, to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice.

(b) If the owner of any improved real estate is not a resident of Cuyahoga County, such owner shall designate and file with the Director of Housing Inspection the name, address and telephone number of an agent who is a resident of Cuyahoga County for the purpose of receiving all notices of inspection, orders, or otherwise from the City relative to such improved real estate. If the agent is a business entity, domestic or foreign, using a name other than an individual's own personal name, the owner shall provide proof that the agent is registered with the Ohio Secretary of State as required by Title XVII of the Ohio Revised Code. Service of notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent to the last known address of the owner. Notice may also be posted in a conspicuous place on the structure or premises to

which it relates. No person shall remove or deface such posted notice without the written permission of the Director of Housing Inspection.

1411.25 EXTERIOR PROPERTY AREAS.

(a) Exterior property areas of all premises shall be maintained in good condition, including, without limitation, service walks and driveways. Asphalt driveways shall be free of cracks 1/4 inch wide or larger, and deteriorated areas that may include multiple cracks smaller than 1/4 inch wide and/or depressions. Concrete driveways shall be free of broken or deteriorated areas, large cracks, holes, and blocks with a vertical separation of 1 inch or more. A proper grade and height of the surface must be maintained in all driveways, such that the driveway may not allow the collection of standing water one half inch or deeper, drain towards the structures on the property or toward neighboring properties, or cause drainage problems at any property. Driveways may be required to be replaced in their entirety or in blocks, leveled, resurfaced, crack-filled or seal coated, as applicable to the type of driveway surface and extent of deterioration or non-compliance of a driveway's condition.

(b) Exterior areas of all premises shall be kept free of any debris, objects, materials or conditions that create a health, accident or fire hazard, or have a blighting or deteriorating influence on the neighborhood, including, but not limited to, the following:

- (1) Debris, litter and refuse that is not stored in an approved container.
- (2) Nonfunctional motor vehicles or motor vehicles that do not have current automobile registration tags and are not stored in an enclosed structure.
- (3) Dilapidated or unusable furniture, or furniture, appliances or fixtures designed for interior use.
- (4) Clothing, rugs, rags, or other materials hung on lines or other places between the front setback and the street.
- (5) Lawn grass that has been allowed to grow over six (6) inches in height.
- (6) Noxious weeds and/or diseased trees.

The existence of any of the conditions stated above shall constitute a public nuisance, and may be ordered abated or abated by the City pursuant to Chapter 107.

(c) Every dwelling entrance shall have the correct street number of such dwelling prominently displayed so that it is clearly visible at all times from the street in front of the property. The numbers shall be Arabic numerals, not script, and they must be at least three (3) inches high and in contrasting colors. Such numbers shall be placed in close proximity to the main front entrance to the dwelling.

1413.01 CERTIFICATE OF OCCUPANCY.

- (a) (1) As used in this chapter, "rental unit" means any dwelling unit within a single-family, duplex and two-family dwelling, and the third floor of a two-family dwelling for which rental or separate occupancy is legally permitted in the City, where either of the following conditions exists:
- A. Consideration in the form of money or other valuable consideration is being paid for occupying such units; or
  - B. A person other than the fee simple owner of the property or the owner's family as defined herein is occupying such unit, whether or not such person is

paying consideration, and the owner is not living in the rental unit.

- (2) The term "rental unit" does not include a room for rent in a hotel as defined in Section 1211.02 of the Zoning Code, or to a rental of a property for less than thirty (30) days per calendar year.
- (3) The term "family" for the purposes of this chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner's spouse.
- (4) The term "duplex" for the purposes of this chapter shall mean a structure with two dwelling units located on the same parcel. A structure with two dwelling units, with each one on a different parcel, shall be considered the same as two single-family dwellings.
- (5) The term "single-family dwelling" for the purposes of this chapter shall include a single-family structure and a condominium unit in a multiple dwelling.
- (6) The term "registered with the Ohio Secretary of State" for the purposes of this chapter shall mean registration as required by Title XVII of the Ohio Revised Code of an entity in order to do business in the State of Ohio.

(b) No person shall occupy, and no owner, operator or resident agent shall permit a person to occupy, a rental unit, unless the Director of Housing Inspection has issued a Certificate of Occupancy that applies to such unit, which certificate has not expired, been revoked or otherwise become null and void.

(c) Every owner, operator or resident agent of a single-family dwelling that is a rental unit, as defined in this section, shall obtain a Certificate of Occupancy no later than December 31 of the year immediately prior to the year for which the Certificate shall be applicable, or if such dwelling becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the dwelling is occupied as a rental unit. Every owner, operator or resident agent of a single-family dwelling that has been a rental unit, as defined in this section, at any time within the previous twelve months, shall obtain a Certificate of Occupancy or shall submit an Exemption Form, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption shall be applicable. Once an Exemption Form is submitted and approved, no further submittals for a Certificate or Exemption shall be required unless the dwelling becomes a rental unit.

(d) Every owner, operator or resident agent of a two-family or duplex dwelling shall annually obtain a Certificate of Occupancy if one or more dwelling units in the dwelling is a rental unit, or shall annually submit an Exemption Form if no dwelling units in the dwelling are rental units, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption is applicable. If one or more units of a two-family or duplex becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the unit shall become a rental unit, the owner, operator or resident agent shall submit an updated Application for a Certificate of Occupancy, or obtain a Certificate of Occupancy for a unit for which an Exemption Form had been or should have been submitted.

(e) Application for a Certificate of Occupancy or submission of an Exemption Form shall be on the form or forms supplied by the Director of Housing Inspection, and shall include such information as the Director determines is necessary to determine compliance with applicable laws,

ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. Such information shall include, but need not be limited to, the following, as applicable:

- (1) The name, address and telephone number of the owner(s) of the property;
- (2) The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
- (3) The address of the property and the number of rental units contained within the property;
- (4) The current name, address, business and/or home telephone number, and social security number (optional) of the person(s) occupying the rental unit, and the address or other identification of the rental unit which they occupied;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) The familial relationship, if any, among the persons listed in subsection (e)(4);
- (7) In the case of an approved third-floor rental unit, a statement that no person who occupies the third-floor rental unit stores, cooks or otherwise prepares food in the third-floor rental unit or other common area; that such activities shall not be permitted; and that appliances or equipment which are used for such activities are not being provided or permitted on the premises;
- (8) The name of the head of the household of each rental unit;
- (9) If any owner of the property is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant must provide proof that such owner is registered with the Ohio Secretary of State; and
- (10) Such other information as may be requested on a voluntary basis.

An application is considered submitted and complete only when all information required on the form is accurately, legibly and fully provided and when the fee required in this chapter is paid.

(f) The Director of Housing Inspection shall issue a Certificate of Occupancy for a rental unit or units if found to be in compliance or substantial compliance with the provisions of the Housing Code and all other laws, ordinances, rules and regulations applicable thereto. The Certificate of Occupancy shall not be valid beyond December 31 of the calendar year in which it was issued.

(g) The Director of Housing Inspection may deny an application for a Certificate of Occupancy or revoke a Certificate of Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Housing, Fire, Health, Zoning, or Building Codes, or if there have been three or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to the same dwelling unit during the previous twelve months.

(h) Every application for an annual Certificate of Occupancy submitted on or before February 1 of the year for which the Certificate of Occupancy is required, or within thirty days after the dwelling unit becomes a rental unit, shall be accompanied by a nonrefundable fee as follows:

- (1) For a single-family rental: two hundred dollars

(\$200.00);

(2) For a condominium rental: one hundred dollars (\$100.00);

(3) For a two-family rental: one hundred dollars (\$100.00) per rental unit;

(i) The fee for an application for a Certificate of Occupancy submitted after February 1 of the year for which the application is made, or more than thirty days after a unit becomes a rental unit, shall be as follows:

(1) For a single-family rental: four hundred dollars (\$400.00);

(2) For a condominium rental: two hundred dollars (\$200.00) per unit;

(3) For a two-family rental: two hundred dollars (\$200.00) per rental unit.

(j) There shall be no fee for submission of an Exemption Form if submitted by February 1 of the year for which the Exemption is applicable. The fee for submission of an Exemption Form submitted after February 1 shall be two hundred dollars (\$200) per dwelling structure.

(k) If no application for a Certificate of Occupancy or Exemption Form is submitted when required by this Chapter, the Director shall charge the owner or operator the fee set forth in subsection (i) of this Section.

(l) The City shall reinstate a Certificate of Occupancy that has been revoked when the owner, operator or agent has done all of the following:

(1) Submitted a new application for a Certificate, complied with all requirements to obtain a Certificate, and paid the appropriate application fee;

(2) Paid the reinstatement fee, which shall be one hundred dollars (\$100.00), in addition to the appropriate application fee; and

(3) Successfully completed any procedure required by the Director, under the rules and regulations of the Department of Housing Inspection established as permitted in this chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation or, if the property had been declared a public nuisance under Chapter 109, that sufficient action has been taken, as determined by the Chief of Police, to prevent future criminal activity nuisances from occurring at the property.

#### 1415.02 APPLICATION FOR INSPECTION.

(a) Application for the certificate of inspection required by this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Director of Housing Inspection. If the owner is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that the owner is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the Housing Inspection Department.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director may make such inspection after first obtaining a search warrant as provided in Section 1409.02.

1415.05 CERTIFICATE OF INSPECTION OR COMPLIANCE; ESCROW; APPEAL.

(a) No person, agent, firm or corporation shall sell, transfer, convey, accept, obtain or purchase an interest in the title of improved residential real estate, including entering into a land installment contract for the sale or transfer of such a property, without complying with the point-of-sale requirements of this Chapter, including the establishment of an escrow account as required in this Section.

(b) No business entity, domestic or foreign, using a name other than an individual's own personal name, shall sell, transfer, convey, accept, obtain or purchase an interest in the title of improved residential real estate, including entering into a land installment contract for the sale or transfer of such a property, unless such entity is registered with the Ohio Secretary of State as required by Title XVII of the Ohio Revised Code of an entity in order to do business in the State of Ohio.

(c) Prior to the closing of a transfer of improved residential real estate, the seller or transferor shall provide the purchaser or transferee with a current certificate of inspection or a certificate of compliance, shall verify that sufficient funds have been deposited in escrow as required in this Section, shall deposit in escrow a statement signed by the purchaser or transferee acknowledging receipt of the certificate of inspection or certificate of compliance, and such statement shall list thereon the date the certificate was given to the purchaser and a copy shall be provided to the Housing Inspection Department.

(d) Prior to the closing of a transfer of improved residential real estate, the purchaser or transferee shall have received a current certificate of inspection or a certificate of compliance, shall have designated in writing with the Housing Inspection Department the name, address, and telephone number of an agent who is a resident of Cuyahoga County, pursuant to Section 1409.03, if the purchaser or transferee resides outside of Cuyahoga County at the time of closing and will not occupy the premises as a primary residence, and shall verify that sufficient funds have been deposited in escrow as required in this Section.

(e) Except as otherwise provided in this Chapter, if all violations listed on the certificate of inspection are not corrected prior to transfer of title or execution and recording of a land installment contract, funds shall be deposited with an escrow agent designated by the City, in an amount not less than one hundred dollars (\$100.00) and equal to one hundred fifty percent (150%) of the estimated cost of repairs, to pay for the cost to correct all remaining violations. The amount to be held in escrow shall be determined as follows:

- (1) The transferor or transferee shall procure a written estimate from a company currently registered under Chapter 547 of the Codified Ordinances (hereinafter referred to as a "qualified company").
- (2) The estimate shall be in good faith and shall reflect current market rates for labor and materials.
- (3) The cost of repairs shall be itemized, to the extent practicable, in a manner that relates to the point-of-sale violation list.
- (4) The Director of Housing Inspection or the Director's designee shall determine whether the estimate complies with the requirements of this Section and may reject an estimate that fails to reasonably reflect the fair market cost of repairs.
- (5) If the Director of Housing Inspection rejects an estimate as provided herein, the party submitting the estimate may provide the Director a new estimate that complies with the

requirements of this Section. If the Director rejects an estimate, the Director may send a written notice of such rejection to the party establishing the escrow.

- (6) If the party establishing the escrow can demonstrate to the Director of Housing Inspection that after a good faith effort he/she is unable to obtain a written estimate from a qualified company, or if the party establishing the escrow makes a request to the Director, the Director may establish the amount of the escrow upon the payment by such party of the fee set forth in Section 1415.04.
- (7) The party establishing the escrow may appeal the decision of the Director to reject an estimate of the cost of repairs, or the amount of the escrow if it is established by the Director, to the Board of Appeals within thirty (30) days from the date of Director's written decision or estimate.

(f) A purchaser or transferee of a property requiring substantial rehabilitation, with the approval of the transferor or seller or a signed purchase agreement, may submit a request to the Director for a variance from the escrow requirement, to request a reduction of the required escrow amount of 150% of the cost of repairs to 100% of the cost. The Director may grant such a variance if the purchaser or transferee is a contractor that has been approved to participate in the City's Shaker Renovator Program, or if the purchaser or transferee has a signed contract with a contractor that is a participant in the Program. The Director of Neighborhood Revitalization is authorized to establish rules and regulations for a Shaker Renovator Program.

(g) A seller or transferor, or a purchaser or transferee, with the approval of the transferor or seller or a signed purchase agreement, may submit an appeal to the Board of Appeals requesting a variance from the escrow requirements. In any such appeal, the appellant must demonstrate that:

- (1) Special circumstances exist necessitating a variance from the requirements in order to make the sale and repair of the property financially practicable,
- (2) The purchaser or transferee has the financial capability to repair the property in a reasonable period of time in order to bring it into compliance with the Housing Code; and
- (3) A variance is in the best interests of the City and its residents.

(h) Funds shall be disbursed only upon written authorization from the Director or the Director's designee. Authorization to release funds held in escrow pursuant to this subsection shall be granted upon the determination by the Director of Housing Inspection that substantial progress has been made in correcting the violations and that sufficient funds will remain in escrow to correct all remaining violations.

- (1) If the funds held in escrow are less than five thousand dollars (\$5,000), no funds held in escrow shall be released until all violations are corrected.
- (2) If the funds held in escrow exceed five thousand dollars (\$5,000) but are less than twenty thousand dollars (\$20,000), the Director or the Director's designee may authorize one partial release of funds from escrow.
- (3) If the funds held in escrow are equal to or exceed twenty thousand dollars (\$20,000) but are less than forty thousand dollars (\$40,000), the Director or the Director's

designee may authorize two partial releases of funds from escrow.

- (4) If the funds held in escrow are equal to or exceed forty thousand dollars (\$40,000) but are less than sixty thousand dollars (\$60,000), the Director or the Director's designee may authorize three partial releases of funds from escrow.
- (5) If the funds held in escrow are equal to or exceed sixty thousand dollars (\$60,000), the Director or the Director's designee may authorize four partial releases of funds from escrow.

(i) The Director may approve, in lieu of an escrow being established, a purchase-rehabilitation loan account established through a private or government lender. The Director may require written evidence of the terms of the purchase-rehabilitation loan and other documentation that the Director determines is necessary to evaluate the substitution of the loan for a point-of-sale escrow account. In determining whether to approve the loan as a substitute for an escrow account, the Director shall consider all of the following: the City's experience with the lender in other purchase-rehabilitation loan situations, the lender's oversight and management of such loans, the amount of funds provided for improvements to the property beyond correction of the existing code violations, proof that sufficient funds are being held to pay for repairs to correct all point-of-sale violations, and any other factor that would tend to support a conclusion that the intent of the point-of-sale escrow provisions will be met by the structure and terms of the loan.

(j) In the event the purchaser or grantee of residential real estate, in a transaction covered by this Chapter, intends to demolish the structure or structures covered by a certificate of inspection, the escrow requirements of this Section shall be waived if the purchaser or transferee provides the City a performance bond or equivalent financial guarantee in a form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure that either the structure or structures are demolished or the violations listed on the certificate of inspection are corrected.

(k) No escrow or bond shall be required if the City is the purchaser or transferee of the property, whether the property is intended to be repaired or demolished.

(l) If all repairs to a property required on a Certificate of Inspection are not completed within a reasonable period of time, as determined by the Director or the Director's designee, the City may withdraw such funds from the escrow account as shall be necessary to pay for the completion of the repairs or demolition of the property, as the City determines to be necessary. The City shall provide written notice to the owner and any lessee or party in control of a property, and to the party that established the escrow, at least thirty days prior to the City's withdrawal of funds from the escrow account.

#### 1421.02 DEFINITIONS.

(a) As used in this Chapter, the term "multiple dwelling" shall have the same meaning as defined in Section 1407.19 of this Housing Code.

(b) (1) As used in this Chapter, "rental unit" means any dwelling unit within a multiple dwelling, whether the dwelling unit is rented, occupied or vacant.

(2) The term "rental unit" as used in this Chapter does not include a room for rent in a hotel as defined in Section 1407.16 of the Housing Code, or a condominium unit. A condominium unit shall be considered a single-family

dwelling for the purposes of the Certificate of Occupancy requirements of Chapter 1413.

(c) The term "family" for the purposes of this Chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner's spouse.

(d) The term "registered with the Ohio Secretary of State" for the purposes of this chapter shall mean registration as required by Title XVII of the Ohio Revised Code of an entity in order to do business in the State of Ohio.

#### 1421.04 CERTIFICATE OF OCCUPANCY REQUIRED.

(a) Application for a Certificate of Occupancy, as required by the provisions of this Chapter, shall be made no later than December 31 of the year immediately prior to the year for which the application is made by supplying necessary information regarding the existing use and occupancy of the rental unit on forms supplied by the Director of Housing Inspection. Such information shall include, but need not be limited to, the following:

- (1) The name, residence or business address and telephone number of the owner of the property;
- (2) The name, address and telephone number of the resident agent of the property if one is required by Section 1409.03(b);
- (3) The name, address and telephone number of the building superintendent, janitor or caretaker, or such other person responsible for maintenance of the building and grounds;
- (4) The address of the property and the number of rental units contained within the property;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) The names of those persons living in each rental unit;
- (7) If any owner of the property is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant must provide proof that such owner is registered with the Ohio Secretary of State; and
- (8) Such other information as may be requested or provided on a voluntary basis, including but not limited to social security numbers to be used for tax purposes.

(b) An application is considered complete only when all information required on the form is accurately, legibly and fully provided and when the fee is paid.

(c) If there are no habitable rental units in a multiple-dwelling structure, then the owner or operator shall apply for an Exemption from the Certificate of Occupancy requirement, no later than December 31 of the year immediately prior to the year for which the application for Exemption is made, on a form provided by the Director of Housing Inspection.

(d) Every application for a Certificate of Occupancy shall be accompanied by a non-refundable fee of forty-five dollars (\$45.00) per rental unit. There shall be no charge for an application for an Exemption timely filed. The fee for reinstatement of a Certificate of Occupancy after it has been revoked shall be one hundred dollars (\$100.00), in addition to the appropriate application fee as set forth in this Section.

(e) The fee for an application for either a Certificate of Occupancy or an Exemption from the Certificate of Occupancy requirement submitted after March 1 of the year for which the application is made shall be sixty dollars (\$60.00) per rental unit. An application is considered submitted only when it is complete and no cause exists to deny the application, as

defined in this Section. The fee for an application that was denied and is re-submitted after March 1 shall be sixty dollars (\$60.00) per rental unit. If no application for a Certificate or Exemption is submitted when required by this Chapter by the end of the calendar year for which the Certificate or Exemption is required, the Director shall charge the owner or operator sixty dollars (\$60.00) per rental unit.

(f) If the owner or operator fails to pay the fee for a Certificate or an Exemption within the calendar year for which the Certificate or Exemption is required to be obtained, the Director of Housing Inspection shall report the delinquency to the Director of Finance, who shall report the same to Council, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the property for which the Certificate or Exemption is required, and cause the assessment to be certified to the County Auditor for collection.

(g) The owner, agent or person in charge of every multiple-dwelling structure shall cause a Certificate of Occupancy to be posted conspicuously at all times at the main entrance of such structure. The Certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(h) The Director of Housing Inspection may deny an application for a Certificate of Occupancy or revoke a Certificate of Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Housing, Fire, Health, Zoning, or Building Codes, or if any of the following are found as to the property:

- (1) For any property subject to this Chapter there have been three or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to the same dwelling unit during the previous twelve months;
- (2) For any property subject to this Chapter with fewer than forty dwelling units there have been five or more criminal activities, as defined in Section 109.01 of the Codified Ordinances, related to any combination of dwelling units during the previous twelve months; and/or
- (3) For any property subject to this Section with forty or more dwelling units there have been seven or more criminal activities, as defined in Section 109.01 of the Codified Ordinance, related to any combination of dwelling units during the previous twelve months.

(i) The City shall reinstate a Certificate of Occupancy that has been revoked when the owner has done all of the following:

- (1) Submitted a new application for a Certificate as required in this Section;
- (2) Paid the appropriate application fee and the reinstatement fee;
- (3) Successfully completed any procedure required by the Director, under the rules and regulations of the Department of Housing Inspection established as permitted in this Chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation or, if the property had been declared a public nuisance under Chapter 109, that sufficient action has been taken, as determined by the Chief of Police, to prevent future criminal activity nuisances from occurring at the property.

Section 3. This Ordinance shall take effect from and after the earliest time allowed by law.

Enacted June 27, 2016.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
EARL M. LEIKEN, Mayor

Attest:

\_\_\_\_\_  
JERI E. CHAIKIN  
Clerk of Council

coun16/0524Housing-Building-AdminCodeAmend-CODORD