

CHAPTER 840
Rental Unit Inspection Regulations

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**840.01 RESIDENTIAL RENTAL UNIT MANDATORY INSPECTION
REQUIRED.**

(a) The owner or operator of a premises with a residential rental unit shall have the interior and exterior of the premises, its structures and its rental units inspected biennially, to determine compliance with the Property Maintenance Code and Zoning Code.

(b) The owner or operator of a premise with a rental unit is subject to have the interior and exterior of the premises, its structures and its rental units inspected prior to the biennial inspection under any of the following circumstances:

- (1) If two or more notices and orders to comply have been issued to the owner or operator pursuant to any section of this chapter relating to the violation of any sections of the codes set forth in this section, within any two-year period, concerning the same premises, and have not been complied with within the time provided in the notices and orders to comply, the premises that was the subject of the notices and orders to comply shall be subject to mandatory inspections as specified in this section; or
- (2) If the owner or operator has been convicted of a violation of any sections of the codes set forth in this section, all premises and structures with a rental unit that the owner owns or that the operator operates shall be subject to mandatory inspections as specified in this section; or
- (3) If the owner or operator has had a premises ordered razed by the Code Official, all premises and structures with a rental unit that the owner owns or that the operator operates shall be subject to mandatory inspections as specified in this section; or
- (4) In response to a complaint of an alleged violation of any of the provisions of this chapter or the provisions of the applicable City codes; or
- (5) The failure of the owner to file with the County Auditor the information required by Ohio R.C. 5323.02.

(c) A notice and order to comply that is outstanding on or after September 28, 2006, or that is issued subsequent to September 28, 2006, may constitute an uncomplined notice

and order to comply for purposes of enforcement of the mandatory inspections required by division (b)(1) of this section.

(d) A conviction that was obtained on or after September 28, 2006 shall constitute a conviction for purposes of enforcement of the mandatory inspections required by division (b)(2) of this section.

(e) A raze order that the Code Official issued on or after September 28, 2006 shall constitute a raze order for purposes of enforcement of the mandatory inspections required by division (b)(3) of this section.

(f) No owner or operator of a premises with a rental unit shall fail to obtain a rental unit mandatory inspection from the Division of Inspection when the provisions of this section require a rental unit mandatory inspection.

(g) No fee shall be required for the biennial mandatory inspection.

(h) A rental unit mandatory re-inspection fee of seventy-five dollars (\$75.00) per hour for each re-inspection subsequent to the first inspection shall be paid. (Ord. 19-06. Passed 7-17-06; Ord. 29-06. Passed 12-18-06.)

840.02 ACCESS TO RENTAL UNIT.

(a) Access by Owner or Operator. Every occupant of a rental unit shall give, upon proper notice, the owner or operator thereof, or his or her agent or employee, access to any part of such rental unit at all reasonable times for the purpose of effecting such maintenance, making such repairs or making such alterations as are necessary to effect compliance with any lawful notice or order issued pursuant to the provisions of the applicable City codes.

(b) Access by Code Official. The Code Official or his or her duly authorized designee is hereby authorized to conduct inspections of any rental unit within the City in order to perform the duty of safeguarding the health, safety and welfare of the occupants and the public under the provisions of this chapter. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or the provisions of the applicable City codes or whenever the Code Official or his or her duly authorized designee has probable cause to believe that there exists in any rental unit any condition which makes such rental unit in violation of any of the provisions of this chapter or the provisions of the applicable City codes or in response to a complaint that an alleged violation of any of the provisions of this chapter or the provisions of the applicable City codes may exist, the Code Official or his or her duly authorized designee may enter such rental unit at all reasonable times to inspect the same or to perform any duty imposed upon the Code Official by this chapter or the provisions of the applicable City codes, provided that if such rental unit is occupied, he or

she shall first make a reasonable effort to locate the owner/operator or other person having charge or control of the rental unit and request entry, giving 24-hour notice. The owner/operator shall contact the occupant (if any) of each unit and schedule a date and time for the inspection. The owner/operator shall give notice to the Code Official of the date and time of each inspection. In addition, the owner/operator shall give notice of the inspection date and time, pursuant to Ohio R.C. 5321.04(A) and 5321.05(B), to the occupants who are subject to the inspection. Failure to provide said notice to an occupant shall subject the owner/operator to the penalties provided in Section 840.99. The Code Official or his or her duly authorized designee shall at such time of inspection:

- (1) Identify himself or herself and his or her position;
- (2) Explain why entry is sought;
- (3) Explain that the owner/operator, occupant or other person(s) having charge or control of the rental unit may refuse entry without a search warrant;
- (4) Provide documentation of written notice to the owner/operator, giving seven-day notice of deficiency. Such notice shall not be construed to imply that the repairs need be completed at that time.

(c) Entry for Inspection Refused. In the event that entry for inspection has been refused by the owner/operator, occupant or other person having charge of the rental unit, the person refusing such entry may be subject to penalties as provided for in Section 840.99.

(d) Search Warrant. If consent to inspect a rental unit is withheld by any person or persons having the lawful right to exclude, the Code Official or his or her duly authorized designee may apply to a court of competent jurisdiction for a search warrant of the rental unit. No owner/operator or occupant or any person having charge, care or control of a rental unit shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the Official or his or her duly authorized designee for the purpose of inspection and examination pursuant to this chapter.

(Ord. 19-06. Passed 7-17-06; Ord. 7-07. Passed 6-18-07; Ord. 8-07. Passed 7-16-07; Ord. 11-08. Passed 8-18-08.)

840.03 NOTICE OF VIOLATION.

Whenever, upon inspection of a dwelling unit, the Code Official finds that conditions or practices exist which are in violation of ordinances of the City, any authorized notice of violation shall state that unless the violations are corrected as specified in the notice, the owner shall be cited for violating this chapter and is subject to the remedy set forth in Section 840.99.

(Ord. 19-06. Passed 7-17-06.)

840.04 APPEAL.

Any owner who has received an order pursuant to Section 840.01(b) above shall be entitled to appeal the order to the Property Review Commission pursuant to Chapter 1480

by filing a notice of appeal with the Clerk of Council within five days following the date of the notice.

(Ord. 19-06. Passed 7-17-06.)

840.05 EXEMPTION.

This chapter shall not apply to any dwelling unit for which an occupant has paid a one-time lump sum entry fee in exchange for lifetime rights to occupy the unit and receive health-related and other personal services from the legal owner.

(Ord. 29-06. Passed 12-18-06.)

840.99 PENALTY.

A violation of the requirements of Sections 840.01 through 840.03 shall constitute a fourth degree misdemeanor, punishable by a fine of not more than two hundred fifty dollars (\$250.00), or imprisoned not more than 30 days, or both, for each offense. Each day such violation is continued shall constitute a separate offense.

(Ord. 19-06. Passed 7-17-06; Ord. 7-07. Passed 6-18-07; Ord. 8-07. Passed 7-16-07.)