

ORDINANCE NO. 19-06

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER _____ ON THE ___ DAY OF _____, 2006.

**AN ORDINANCE ENACTING A RESIDENTIAL RENTAL UNIT
MANDATORY INSPECTION REQUIREMENT.**

WHEREAS, the Council of the City of Centerville, Ohio is concerned that some owners of rental units within the City may not be maintaining their rental units in compliance with the City's Property Maintenance Code and Zoning Code which could lead to danger to life and property and lead to blight; and

WHEREAS, the adoption of a rental unit mandatory inspection requirement would help to alleviate this problem.

NOW THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

The Centerville Municipal Code is hereby amended by the adoption of Chapter 840, Rental Unit Regulations which shall contain the following sections:

RENTAL UNIT INSPECTION REGULATIONS

Section 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 bi-annually, 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 bi-annual 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 above, 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 above, 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 of Centerville codes.

5. The failure of the owner to file with the County Auditor the information required by O.R.C. Section 5323.02.

C. A notice and order to comply that is outstanding on or after _____, 2006, or that is issued subsequent to _____, 2006, may constitute an uncomplained notice and order to comply for purposes of enforcement of the mandatory inspections required by subsection (B)(1) of this section.

D. A conviction that was obtained on or after _____, 2006 shall constitute a conviction for purposes of enforcement of the mandatory inspections required by subsection (B)(2) of this section.

E. A raze order that the Code Official issued on or after _____, 2006 shall constitute a raze order for purposes of enforcement of the mandatory inspections required by subsection (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 bi-annual mandatory inspection.

II. A rental unit mandatory re-inspection fee of \$75 per hour for each re-inspection subsequent to the first inspection shall be paid.

Section 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/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 of Centerville codes.

B. Access by Code Official

The Code Official or his/her duly authorized designee is hereby authorized to conduct inspections of any rental unit within the City of Centerville 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 of Centerville codes or whenever the Code Official or his/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 of Centerville 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 of Centerville codes may exist, the Code Official or his/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 of Centerville codes, provided that if such rental unit is occupied, he/she shall first make a reasonable effort to locate the owner/operator, occupant or other person having charge or control of the rental unit and request entry giving 24-hour notice, when applicable, to the tenant. The Code Official or his/her duly authorized designee shall at such time:

1. Identify himself/herself and his/her position;
2. Explain why entry is sought;
3. Explain that the owner/operator or other person(s) having charge or control of the rental unit may refuse, without penalty, entry without a search warrant;
4. Provide documentation of written notice to the owner/operator giving 7-day notice of deficiency. (Such notice shall not be construed to imply that the repairs need be completed at that time.)

C. 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/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/her duly authorized designee for the purpose of inspection and examination pursuant to this Chapter.

Section 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 of Centerville, 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.

Section 840.04 Appeal

Any owner who has received an order pursuant to §840.01 (B) above shall be entitled to appeal the order to the Property Review Commission pursuant to Chapter 1482 by filing a notice of appeal with the Clerk of Council within 5 days following the date of the notice.

Section 840.99 Penalty

A violation of the requirements of §§ 840.01 through 840.02 shall constitute a fourth degree misdemeanor, punishable by a fine of not more than \$250.00 or imprisoned not more than thirty days, or both, for each offense. Each day, such violation is continued, shall constitute a separate offense.

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS _____ day of _____, _____.

Mayor of the City of
Centerville, Ohio

ATTEST:

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____, passed by the Council of the City of Centerville, Ohio on the _____ day of _____,

Clerk of the Council

Approved as to form, consistency with the Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney

Draft 7/6/2006 11:58:25 AM