

ORDINANCE NO. 20-15

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 16<sup>th</sup> DAY OF November, 2015.

AN ORDINANCE TO AMEND SECTION 840.02 ACCESS TO RENTAL UNIT OF RENTAL INSPECTION ORDINANCE OF THE CENTERVILLE MUNICIPAL CODE.

WHEREAS, the City of Centerville has rental unit inspection regulations requiring owners or operators of rental units in the City to allow exterior and interior inspections to determine compliance with the City's Property Maintenance and Zoning Codes; and

WHEREAS, the City of Centerville periodically reviews the laws to update the ordinances; and

WHEREAS, it is recommended to amend Section 840.02 of the Centerville Municipal Code to clarify when a penalty for noncompliance with a search warrant is to be issued;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That the following amendment to Centerville Municipal Code Section 840.02, is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in section 5.02 of the Centerville Charter.

**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:

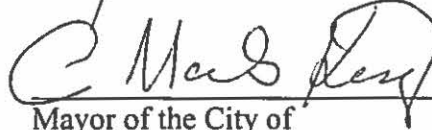
- (1) Identify himself or herself and his or her position;
- (2) Explain why entry is sought;
- (3) Explain that the owner/operator, occupant or other person(s) having charge or control of the rental unit may refuse entry without a search warrant;
- (4) Provide documentation of written notice to the 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 *after a search warrant obtained pursuant to Section 840.02(d) has been presented to* by the owner/operator, occupant or other person having charge of the rental unit, the person refusing such entry may ~~be~~ 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.

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

PASSED THIS 16<sup>th</sup> day of November, 2015.



Mayor of the City of  
Centerville, Ohio

ATTEST:

Debra A. James  
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. 20-15, passed by the Council of the City of Centerville, Ohio on the 16<sup>th</sup> day of November, 2015.

Debra A. James  
Clerk of the Council

Approved as to form, consistency with the  
Charter and Constitutional Provisions.  
Department of Law  
Scott A. Liberman  
Municipal Attorney

(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 charge or control of the rental unit and request entry, living 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:

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Error on  
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Corrected  
and replaced  
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per S. Liberman  
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- (1) Identify himself or herself and his or her position;
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