

ORDINANCE NO. 11-08

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Doug Cline ON THE 18th DAY
OF August, 2008.

**AN ORDINANCE AMENDING CHAPTER 840 TO
FURTHER CLARIFY SECTION 840.02(B) ACCESS TO
RENTAL UNIT.**

WHEREAS, the City of Centerville on July 17, 2006, enacted Chapter 840, Rental Unit Inspection Regulations ordinance for the purpose of requiring mandatory inspection of rental units; and

WHEREAS, the enacted ordinance requires that 24-hour notice be given to the owner/operator, occupant or other person having charge or control of the rental unit, prior to the time of inspection; and

WHEREAS, it was the original intent of Council to have the ordinance require the owner/operator to notify the units' occupant when applicable.

**NOW THEREFORE: THE MUNICIPALITY OF
CENTERVILLE HEREBY ORDAINS:**

Section 1. That the following amendments to Centerville Municipal Code Chapter 840, Rental Unit Inspection Regulations, are 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:

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. ~~Once notified of the inspection date and time,~~ *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 ORC Sections 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/her duly authorized designee shall at such time of inspection:*

1. Identify himself/herself and his/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 7-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/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 2. This Ordinance shall take effect at the earliest date allowed by law.

PASSED THIS 18th day of August, 2008.

Mark Kugstad
Mayor of the City of
Centerville, Ohio

ATTEST:

Jules M. Weaver
Assistant 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. 11-08, passed by the Council of the City of Centerville, Ohio on the 18th day of August, 2008.

Jules M. Weaver
Assistant Clerk of the Council

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