

ORDINANCE NO. 29-06

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brady Compton ON THE 18<sup>th</sup> DAY OF December, 2006.

**AN ORDINANCE AMENDING CHAPTER 840 TO CORRECT A SCRIVENER'S ERROR AND ENACTING NEW CENTERVILLE MUNICIPAL CODE SECTION 840.05 EXEMPTION TO THE RENTAL UNIT INSPECTION REGULATIONS.**

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 contains a scrivener's error in using the word "bi-annual" instead of "biennial"; and

WHEREAS, it was the original intent of Council to have the ordinance require inspections every two years (biennially); and

WHEREAS, the Council determines that provisions of the Rental Unit Inspection Regulations provided in Chapter 840 of the Centerville Municipal Code are not applicable to certain dwelling units.

**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 840.01 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~~, *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 ~~bi-annual~~ *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 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 September 28, 2006, or that is issued subsequent to September 28, 2006, may constitute an uncomplished 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 September 28, 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 September 28, 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~~ *biennial* mandatory inspection.

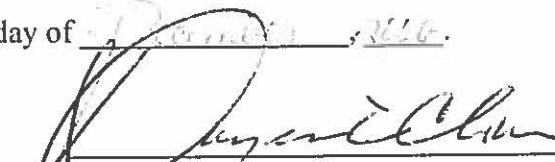
H. A rental unit mandatory re-inspection fee of \$75 per hour for each re-inspection subsequent to the first inspection shall be paid.

*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.*

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

PASSED THIS 18<sup>th</sup> day of December, 2006.


  
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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. 27-06, passed by the Council of the City of Centerville, Ohio on the 18<sup>th</sup> day of December, 2006.

  
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Clerk of the Council

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

Department of Law  
Scott A. Liberman  
Municipal Attorney