

FIRST READING – April 10, 2018
SECOND READING – April 24, 2018
THIRD READING – May 8, 2018

COUNCIL NO. 017
SPONSOR: Ordinance Committee
ORDINANCE NO. **18-18**

AN ORDINANCE AMENDING SECTIONS 1395.13 through 1395.24 and 1395.99 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING RENTAL PERMITS AND INSPECTIONS.

WHEREAS, the City of Sheffield Lake requires that landlords obtain rental permits for single family and multi-family rental properties in the City; and,

WHEREAS, the City of Sheffield Lake requires an inspection of the rental property as a condition of obtaining a permit; and,

WHEREAS, recent court decisions have determined that the City cannot require a warrantless inspection of the premises as a condition to obtaining a permit; and,

WHEREAS, the City may still require landlords to obtain permits for their rental property and establish a policy of periodic administrative searches of rental properties within the City; and,

WHEREAS, in the event that a landlord refuses to consent to an inspection the City may seek to obtain an administrative search warrant for the rental property.

NOW THEREFORE, be it ordained by the Council of the City of Sheffield Lake, State of Ohio:

Section 1. Codified Ordinance Sections 1395.13 through 1395.24 and 1395.99 are hereby amended as follows:

1395.13 ANNUAL RENTAL PERMITS REQUIRED FOR MULTI DWELLING UNITS.

All residential property within the City of Sheffield Lake owned for multi dwelling unit rental purposes or occupied by a party other than the owner for a period of more than six (6) months during any single calendar year, shall require an Annual Rental Permit from the Sheffield Lake Building Department. Traditional motels and hotels shall be excluded from the necessity of obtaining a Rental Dwelling or Rooming House Permit. Non-traditional (long-term) rentals in hotels and motels are not excluded.

1395.14 BIENNIAL RENTAL PERMITS REQUIRED FOR SINGLE DWELLING UNITS.

All residential property within the City of Sheffield Lake owned for single-family dwelling rental purposes or occupied by a party other than the owner for a period of more than six (6) months during any single calendar year, shall require a Biennial Rental Permit from the Sheffield Lake Building Department.

1395.15 APPLICATION FOR RENTAL PERMIT.

To obtain a Rental Permit, the owner of a single family or multi-family rental dwelling unit or rooming unit as defined by this code, shall apply to the Sheffield Lake Building Department. A Rental Permit shall be issued by the Building Inspector ~~if, upon~~ *which shall state that the City will conduct periodic administrative inspections of the rental dwelling unit or rooming unit, it is determined to ensure that the rental dwelling unit, or rooming unit meets the building and zoning requirements of this code and that the owner is current on the payment of all real property taxes for the proposed rental dwelling unit or rooming unit. Such an inspection shall be made within thirty (30) days after said application has been made.* Upon application for a permit, the owner of a rental dwelling unit or rooming unit may rent or lease the premises at his or her own risk, subject to the subsequent approval of the permit by the Building Inspector.

1395.16 PERIODIC ADMINISTRATIVE INSPECTIONS OF RENTAL PROPERTY

The Building Department shall conduct periodic administrative inspections of rental property in the City to ensure compliance with the building and zoning requirements of this code. Administrative inspections shall be conducted upon a minimum of 48 hours advanced notice to the owner and/or occupant of the rental property. Inspections shall be based upon the following:

- (a) Specific evidence of an existing violation derived from:
 - (i) A credible complaint received by the City;*
 - (ii) Credible information received by the City through other communications;*
 - (iii) Personal observations by an inspector or other employee of the City;*
 - (iv) Documents obtained by the City; or**
- (b) A general inspection program based upon reasonable legislative or administrative standards including, but not limited to:
 - (i) The amount of time which has elapsed since the last inspection of the property;*
 - (ii) The nature of the building to be inspected;*
 - (iii) The condition of the area in which the property is located.**

1395.17 REFUSAL OF OWNER OR OCCUPANT TO CONSENT TO INSPECTION

Should an owner or occupant of residential rental property located in the City refuse to consent to an administrative inspection of the property as required by this Chapter, the City may seek an administrative search warrant for the property from a court of competent jurisdiction. Probable cause for the issuance of the administrative warrant shall be based upon the factors as set forth at section 1395.16 of this Chapter.

1395.18 SUSPENSION OR REVOCATION OF PERMIT.

Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the Building Inspector upon satisfactory proof of a violation of any provision of this code, or which could have been grounds for failure to issue an original permit, including satisfactory proof that the owner of the rental dwelling unit or rooming unit has allowed the real property taxes to become delinquent on the rental dwelling unit or rooming unit. If a permit is suspended or revoked, said permit shall be surrendered to the Building Department within five (5) days of notification of such suspension or revocation.

1395.19 ZONING CERTIFICATION REQUIRED.

Prior to the issuance of any Rental Permit, the Building Department shall first verify that the property in question is properly zoned for the proposed rental use.

1395.20 MAXIMUM OCCUPANCY.

The Rental Permit shall state the maximum number of persons who may occupy the rental dwelling unit or rooming unit as determined by this code and other ordinances of the City of Sheffield Lake.

1395.21 AUTHORIZED AGENT.

No Rental Permit shall be issued or received unless the applicant designates, in addition to himself, an agent for the receipt of process. Said agent must be designated in writing on the application for said permit. Such agent must reside within Lorain County.

1395.22 NOTICE OF CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership or control of a rental dwelling unit or rooming unit for which a Rental Permit has been issued shall notify the Building Department of said change in ownership within five (5) days of the effective date of transfer.

Such notice shall be in writing and shall include:

- (a) The name and address of the new owner.
- (b) The name and address of the previous owner; and
- (c) The agent for the new owner as required under the provisions of Section 1395.21 herein.

1395.23 EXPIRATIONS AND RENEWALS.

Every Multi-unit Rental Permit shall be renewed annually on January 2. Every Single-Family Rental Permit shall be renewed biennially on January 2.

1395.24 FEES.

Nothing herein contained shall prohibit the owner of a dwelling used for rental purposes from treating all the required ~~inspection~~ fees as a normal business expense incidental to the renting of property and, therefore, an appropriate consideration in the determination of debt. The fees for Rental Permits shall be as follows:

<u>Number of Dwelling Units or Rooming Units</u>	<u>Fee</u>
1	\$ 100.00/biennially
2 - 10	200.00/annually
11 - 25	375.00/annually
26 - 50	550.00/annually
51 - 99	750.00/annually
100 - 149	900.00/annually
150 and up	1,200.00/annually

1395.25 DISPLAY OF PERMIT.

It shall be the responsibility of the owner, operator or agent of a rental dwelling unit or rooming unit to give notice of his or her permit from the City of Sheffield Lake to tenants in one of the following authorized methods prior to the commencement of a rental term with said tenant:

- (a) Display the permit in a conspicuous place within the common ways of the rental dwelling or rooming house or in the rental office of a multi-family residential building of eleven (11) or more units; and
- (b) Place upon all written rental agreements the following notice:

“This rental dwelling has received a permit from the City of Sheffield Lake for the period of (date) to (date) for not more than (number) occupants.”

1395.26 REINSTATEMENT.

When the owner or agent has been ordered by the Building Inspector to correct violations that may exist in a dwelling, as noted in the procedure in Section 1395.16, the Inspector shall re-inspect the property to verify compliance with the original order. ~~If the violations have been corrected the Rental Permit shall be reinstated upon the owner or agent paying a reinstatement fee of fifty dollars (\$50.00).~~

1395.99 PENALTY AND EQUITABLE REMEDIES.

- (a) Whoever fails to obtain an annual or biennial rental license as required by sections 1395.13 and 1395.14 of this chapter, or who continues to allow rental units to be occupied after his or her license has been revoked or suspended shall be fined as follows:

<u>Number of Dwelling or Rooming Units</u>	<u>Fine</u>
1	\$500
2-10	\$600
11-25	\$775
26-50	\$950
51-99	\$1150
100-149	\$1300
150 and up	\$1600

A separate violation shall be deemed committed every thirty (30) days of the failure by any person or entity to comply with the ~~rental license~~ *permit* requirements of Sections 1395.13 or 1395.14 of this Chapter.

(b) Other Violations. Whoever violates or fails to comply with any other provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each violation. Each violation of a section or subsection of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. A separate violation shall be deemed committed for each day of failure by any person or entity to comply with any of the provisions of this chapter after notice and final order.

(c) Application to Officers or Agents. Where the defendant is other than a natural person, subsections (a) and (b) hereof shall also apply to any agent, superintendent, officer, member or partner who has charge, care or control of the premises either alone or with others.

(d) Other Legal Action. The imposition of any penalty shall not preclude the Director of Law or Prosecutor from instituting any appropriate action proceeding in a court of law or Prosecutor from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation; or to prevent the occupancy of a building, structure or premises; or to require compliance with the provisions of this Code or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Inspector or the Zoning Board of Appeals.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED THIS _____ DAY OF _____, 2018.

	Yea	Nay	NV
Rosa Gee	_____	_____	_____
Mark Cizl	_____	_____	_____
Leanna Stark	_____	_____	_____
Steve Kovach	_____	_____	_____
Mark Erdei	_____	_____	_____
Rocky Radeff	_____	_____	_____
Bill Wtulich	_____	_____	_____

MAYOR

Dennis Bring

PRESIDENT OF COUNCIL

Rick Rosso

CLERK OF COUNCIL

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Council
of Sheffield Lake DO HEREBY CERTIFY that
this is a true and exact copy of Ordinance#_____.
PASSED _____, 2018.