

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2017- 92

Introduced By: Mr. Grech Co-Sponsors: Mr. Castelli,
Mr. Bortolotto

**AN ORDINANCE
AMENDING CHAPTER 1373
OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Chapter 1373 of the Middleburg Heights Codified Ordinances, entitled "Residential Rental Inspection and Registration", shall be amended to read as follows:

**CHAPTER 1373
Residential Rental Registration**

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| 1373.01 | Residential Rental Registration. | 1373.04 | Changes; new certificates; fees. |
| 1373.015 | Purpose. | 1373.05 | General Maintenance Requirements. |
| 1373.02 | Application; Issuance; Revocation. | 1373.06 | Smoke Detectors. |
| 1373.03 | Residential Rental Certificate. | 1373.99 | Penalty. |

**CROSS REFERENCES
Nuisance abatement - see BLDG. Ch. 1369**

1373.01 RESIDENTIAL RENTAL REGISTRATION.

No owner, agent or person in charge of any dwelling structure, used or designed or intended to be used as a single-family, two-family or three-family dwelling, shall rent, lease or land contract such structure or any part thereof for residential occupancy unless the owner thereof holds a **Residential Rental Certificate (herein after known as the Rental Certificate)** issued by the Building Department for such structure, which certificate has not expired, been revoked or otherwise become null and void.

1373.015 PURPOSE.

Within the scope of this Code, as hereinafter defined, the purpose of this Code is to establish minimum standards necessary to make all rental dwellings safe, sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance and repair of rental dwellings and their exterior property areas in such condition so as not to constitute a blighting or deteriorating influence on the neighborhood and the community; to protect property values and maintain the character and appearance of neighborhoods and the community; to attach responsibilities for owners and occupants with respect to sanitation, repair and maintenance; to establish the inspection of rental dwellings; to establish the fee for housing license; to establish enforcement procedures; to fix penalties for failure and/or refusal to abate violations of the Codified Ordinances of the City.

1373.02 APPLICATION; ISSUANCE; REVOCATION.

(a) Application for a **Rental Certificate** required by the provisions of this Building Code shall be made **biennially** by supplying the information and data to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Department.

(b) The Building Department may require the submission of an affidavit stating such information, and may cause a general inspection of the interior and exterior structure and premises to be made.

(c) If it is found that a building or other structure is in compliance with the provisions of this Building Code and all other laws, ordinances, rules and regulations applicable thereto, the Building Department shall issue a **rental certificate** for such building or structure, which shall contain the following information:

(1) The street address or other identifying characteristics of the building or other structure.

(2) The name and address of the owner and, if the owner does not reside on the premises, the name and address of the resident in charge of the building or structure, and the name and address of the nonresident agent, if any.

(3) The exact nature and extent of the use or occupancy authorized.

(4) The period for which such certificate of inspection is issued.

(d) The Building Department shall have the power to revoke a **rental certificate** if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for noncompliance of a structure or its use with the requirements of this Building Code, or if the owner, agent or person in charge of a structure shall refuse to comply with any provisions of this Building Code required to be observed by him.

1373.03 RESIDENTIAL RENTAL CERTIFICATE FOR RENTAL UNITS; FEES.

(a) The owner of a single-family, two-family or three-family dwelling unit who is not the occupant of said dwelling unit shall submit an application for a **rental certificate biennially** which shall be accompanied by a nonrefundable fee of any amount from **\$150.00 up approved by council** for each dwelling unit in a one, two or three family structure.

(b) An **administrative** fee of thirty-five dollars (\$35.00) may be charged for missed inspection appointments.

1373.04 CHANGES; NEW CERTIFICATES; FEES.

(a) In the event there is a change in the resident or nonresident agent as shown by the **rental certificate**, the owner shall notify the Building Department in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Department within the specified time shall constitute a violation of the Building Code.

(b) In the event there is a change in ownership of record, the **rental certificate** issued under the provisions of this Building Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and the new owner must obtain a new **rental certificate**.

(c) Any change in the nature or extent of the use or occupancy as specified on the **rental certificate** shall render the certificate null and void upon the happening of such change. No such change is permissible under the Building Code unless the proper City authorities pursuant to this Housing Code have approved such change and unless a new certificate incorporating such change has been issued. Any such change, without the approval of the proper City authorities will subject the owner, operator or agent to the penalties provide in the Building Code.

1373.05 GENERAL MAINTENANCE REQUIREMENTS.

(a) All dwelling structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such structure or part or any feature thereof was designed or intended to be used.

(b) All equipment and facilities appurtenant to a dwelling structure or dwelling unit shall be maintained in good and safe working order.

(c) The requirements of this Code shall be considered in determining the compliance of a dwelling structure with this section, but such determination shall not be limited by the requirements of such Code when it is determined by the Commissioner of Buildings and/or the Housing Manager that there exists any other condition which is contrary to the intent and purpose of section 1373.015 above.

(d) All interior surfaces, such as walls, ceilings, floors and floor coverings, shall be maintained clean and sanitary at all times. Soiled walls and ceilings shall be properly washed and surface coated.

1373.06 SMOKE DETECTORS.

(a) The installation of a minimum of one smoke detector and one CO detector shall be required at each level, including basements, in all single, two and three-family residential dwellings constructed subsequent to the effective date of this section. As an alternative to a smoke detector, an approved fire detection system may be installed.

(b) In existing single and two-family dwelling structures that have basements, an additional smoke detector shall be installed. All existing single and two-family dwelling structures shall have installed therein a minimum of one smoke detector per dwelling unit.

1373.99 PENALTY.

Whoever violates any of these provisions of this chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 11-28-17

Matthew Castelli
President of Council

Attest: *m. meads*
Clerk of Council

Approved On: 11-29-17

Presented To Mayor: 11-29-17

Henry Starn
Mayor

| | Yea | Nay |
|------------|-----|-----|
| Castelli | X | --- |
| Guttman | X | --- |
| Bortolotto | X | --- |
| Meany | X | --- |
| McGregor | X | --- |
| Ference | X | --- |
| Grech | X | --- |

I, Mary Ann Meola Clerk of
the Council of the City of Middleburg Hts., Ohio,
hereby certify that Ord. 2017-92
adopted by the Council of the City of Middleburg
Hts., on 11/28/17 was posted for a period
of fifteen days, beginning 12/1/17
and remained so posted for fifteen days at the two
posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do
hereby certify that the foregoing is a true and accurate copy of Ord. 2017-92
passed on the 28th day of November 2017 by said Council.

Mary Ann Meola
Clerk of Council