

Richard Trojanski, President

Stafford L. Shenett, Sr. Dist 1

Toni Jones, District 2

Ebony Miller, District 3



Ron Jackson, District 4

Tanglyn Madden, District 5

Sharri Thomas, District 6

Edwina Agee, District 7

NOTICE

DATE: December 30, 2016

TO: Committee Member Tanglyn Madden
Committee Member Sharri Thomas
Members of City Council
Mayor Annette M. Blackwell

FROM: Toni Jones, Chairwoman

RE: **Housing/ Economic Development Committee Meeting**

In accordance with Section 220.01(e)(4) of the Codified Ordinances of the City of Maple Heights, a **Housing/Economic Development Committee Meeting** will be held on **Tuesday, January 10, 2017 at 6:30 p.m.** in Room 7, Maple Heights City Hall, 5353 Lee Road, Maple Heights, Ohio, to discuss the following:

- **Ordinance 2016-106 -- Nuisance Abatement Ordinance**
- **Extending Escrow Moratorium**
- **Other City Housing Business**

Toni Jones, Chairwoman
Housing/Economic Development Committee
Maple Heights City Council

cc: Directors, Chiefs, Department Heads



CHAPTER 680 NUISANCE ABATEMENT

680.01 DEFINITIONS.

(a) "Nuisance" means:

(1) An unreasonable interference with a right common to the general public. Unreasonable interference includes:

A. Conduct that significantly interferes with public health, safety, peace, comfort, or convenience;

B. Conduct that is contrary to a statute, ordinance, or regulation; or

C. Conduct that is of a continuing nature or has produced a permanent or long-lasting effect, and has a significant effect upon the public right, of which the actor is aware or should be aware;

(2) Any weeds or any grass growing upon a parcel of land and/or any abutting treelawn that is six (6) inches or higher in height or any vegetation that obstructs views compromising safe ingress or egress or otherwise impedes traffic, including pedestrian traffic, on any public rights of way. Treelawn means the landscaped area between the sidewalk and the paved portion of a street;

(3) Any deterioration of structural materials or lack of repair or maintenance of a building, structure or real estate that is a hazard to the health, safety or welfare of its occupants or the public or that, if not abated, will become a blighting or deteriorating factor in the neighborhood that impairs or adversely affects the value of neighboring property, including deterioration of sidewalks or vegetation, an unsecured vacant structure, and abandoned, unusable personal property or other debris;

(4) The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, invitee or the person or entity in charge of said residential or commercial property (including individual apartment and condominium units):

A. Any animal violations in Chapter 618 including but not limited to Sections 618.03 (dogs and other animals running at large); 618.09 (dangerous and vicious dogs); 618.05 (barking or howling dogs); 618.06 (poisoning animals, cruelty to animals, neglect of animals); 660.04 (noxious odors; unsanitary conditions);

B. Any peace disturbance violations in Chapter 648 including but not limited to Sections 648.04 (disorderly conduct), 648.09 (disturbance of the peace), 648.16 (curfews for children), 648.17 (truancy);

C. Any noise control violation under Chapter 634, including but not limited to Sections 634.02 (prohibition of noise emissions) and 634.03 (residential property);

D. Any drug abuse violation under Chapter 624, including but not limited to Sections 624.02 (drug trafficking), 624.025 (cultivation of marihuana) and 624.03 (drug abuse);

E. Any gambling violation in Chapter 630 of the Codified Ordinances;

F. Any health, safety, or sanitation violation under Chapter 660, including but not limited to Sections 660.03 (dumping and littering on public and private property), 660.07 (abandoned motor vehicles), and 660.10 (sidewalk obstructions; damage; injury);

G. Any general violations in Chapter 606 including but not limited to Section 606.14 (obstruction of official business), 606.15 (obstructing justice), 606.16 (resisting arrest), and 606.165 (fleeing a police officer);

H. Any alcohol violations under Chapter 612, including but not limited to Section 612.02 (sales to or for an underage person; furnishing alcohol to underage persons);

I. Any sex related offenses in Chapter 666 including but not limited to Sections 666.04 (public indecency), 666.05 (voyeurism), 666.08 (soliciting), or 666.09 (prostitution);

J. Any offense against another person in Chapter 636 including but not limited to Sections 636.02 (assault), 636.03 (negligent assault), 636.04 (aggravated menacing), 636.05 (menacing), 636.11 (endangering children), 636.15 (threatening or harassing telecommunications) and 636.17 (domestic violence);

K. Any offense against another person's property in Chapter 642 including but not limited to Sections 642.02 (theft or petty theft), 642.05 (unauthorized use of property), 642.10 (criminal damaging or endangering), 642.11 (criminal mischief), and 636.12 (criminal trespass);

L. Any weapons or explosives violations in Chapter 672, including but not limited to Sections 672.02 (carrying concealed weapons), 672.05 (unlicensed weapon or firearms), 672.06 (unlawful transactions of weapons), and 672.10 (fireworks);

M. A felony drug activity in violation of Ohio R.C. Chapter 2925 or substantially equivalent federal laws.

Violations comparable to any of the above local code violations written in State Code shall be included as nuisance violations for the purpose of this chapter.

The above references to sections of the General Offenses Code and state and federal laws should not be interpreted to mean that a prosecution of the specific charge is a necessary prerequisite to an action under this Chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required. Nothing in this Chapter shall be construed in a manner to penalize

victims of domestic violence or otherwise discourage victims of domestic violence to seek law enforcement assistance.

(5) Actions committed by a juvenile occurring on properties in the City that would constitute an offense listed in Section 680.01(a)(4) if committed by an adult; or

(6) Any designation of a nuisance by City ordinance or resolution, state law, or a court of law, or any ongoing violation of state or City law that unreasonably interferes with a right common to the general public.

(b) "Responsible Party" means the owner of the property. If the property is rented or occupied by another party and the Mayor or designee has determined that the renter or occupant may be creating or otherwise contributing to the Nuisance, then the renter or occupant of the property is also the Responsible Party.

680.02 NUISANCE ABATEMENT BOARD OF REVIEW.

There is hereby created a Nuisance Abatement Board of Review ("Board"), consisting of the Mayor or designee, and the Chairperson of the Public Works and Safety Committee of Council or other member of City Council appointed by the President of Council, and a member of the City's Human Relations Division appointed by the Mayor. The Board shall have jurisdiction to hear appeals from notices and orders issued pursuant to this Chapter. The presence of two (2) members shall constitute a quorum. Any action of the Board shall require two (2) affirmative votes.

680.03 AUTHORITY OF CITY OFFICIALS.

(a) Whenever there shall be done or exist within the City any act, thing, use, or condition of a kind which is defined as a Nuisance pursuant to this Chapter, the Mayor or the designee is authorized and directed promptly to cause its abatement as hereinafter provided.

(b) As set forth herein, should the Mayor or designee or Board determine that razing a property or structure is the best method to abate a Nuisance, Council first shall declare said property or structure a Nuisance prior to the issuance of an order to raze.

(c) As set forth herein, should the Mayor or designee or Board determine that revocation of a Certificate of Occupancy is the best method to abate a Nuisance, Council first shall declare said property or use of a property a Nuisance prior to the issuance of an order to revoke.

680.04 RELATIONSHIP TO OTHER LAWS.

The authority to abate Nuisances granted hereby and the procedures set forth herein shall be in addition to and shall not limit the authority to abate Nuisances or take any other action granted in other City ordinances, resolutions, state law, or courts of law.

680.05 PROCEDURES TO ABATE NUISANCES INVOLVING VEGETATION.

The following procedures shall apply to the abatement of a Nuisance as defined by Section 680.01(a)(2):

(a) It shall be the responsibility of each owner of property within the City to maintain their property and abutting treelawns in a manner that prevents any weeds or grass from growing six (6) inches or higher in height and that prevents any vegetation from obstructing views compromising safe ingress or egress or otherwise impeding traffic, including pedestrian traffic, on any public rights of way. If the owner does not cut or destroy, or cause to be cut or destroyed, vegetation as required herein, the Mayor or designee is authorized to cause said Nuisance to be cut. Such abatement may be issued by the Mayor or designee without reporting said Nuisance to Council in the manner provided herein.

(b) The owner of property determined to be in violation of this Section shall be served a written notice upon the first identified violation per calendar year. Such notice shall state that the owner has two (2) calendar days to cut or destroy, or cause to be cut or destroyed, any weeds or grass that is six (6) inches or higher in height or any vegetation that obstructs views compromising safe ingress or egress or otherwise impedes traffic, including pedestrian traffic, on any public rights of way. Further, the notice shall conspicuously state that failure to comply will result in the City causing the work to be done and the costs to be assessed against the property in the manner provided by this Section. The notice shall also conspicuously state that any subsequent violations of this Section concerning the same property during the same calendar year shall require no further notice.

(c) When it is deemed necessary for the City to cut vegetation, in accordance with the provisions of this Section, the owner shall be charged at the rate of two hundred fifty dollars (\$250.00) per hour or portion thereof, or the actual cost of the work, whichever is larger. The minimum charge shall be two hundred dollars (\$250.00). Within thirty (30) calendar days after such work is performed, the City shall serve an order to the owner to pay the cost of such cutting, which shall include a statement of the amount of costs incurred and an explanation of the appeals process set forth in Section 680.10 herein. The order shall additionally state that failure to pay within thirty (30) calendar days or timely appeal will result in the charge being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

(d) If within thirty (30) calendar days after the mailing of the order, the cost is neither paid nor timely appealed, it may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected or the City may seek recovery of such costs by civil action against the property owner involved. An Affidavit of Facts shall be filed if more than one thousand dollars (\$1,000) has been expended by the City in abating the Nuisance.

680.06 PROCEDURES TO ABATE STRUCTURAL OR MAINTENANCE NUISANCES.

The following procedures shall apply to the abatement of a Nuisance as defined by Section 680.01(a)(3):

(a) The Mayor or designee, upon finding that a Nuisance as defined by Section 680.01(a)(3) exists, may cause written notice and an order to abate to be served upon the Responsible Party.

(b) This notice and order shall set forth:

- (1) The nature of the Nuisance;
- (2) An order to abate the Nuisance and a statement of the act or acts to be taken to abate it;
- (3) The estimate of the cost of abating the same if done by the City;
- (4) A reasonable time, of at least fourteen (14) calendar days, within which the owner shall abate the Nuisance or pay the estimate cost to the City;
- (5) A statement explaining the procedures of the appeals process, as set forth in Section 680.10 herein;
- (6) A statement that failure to abate the Nuisance as ordered, pay the estimated cost, or timely appeal will result in the charge being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

(c) Such notice and order to abate may be issued without reporting same to Council unless the Mayor determines that razing a building or structure and/or the revocation of a Certificate of Occupancy is the best method to abate the Nuisance. In such cases, Council shall first declare said property or use of property a Nuisance prior to the issuance of an order to raze or an order to revoke in accordance with Section 680.03 herein.

(d) If said Nuisance is not abated in the manner and/or timeframe established by the notice and order to abate or if the notice and order is not timely appealed, the Mayor or designee has the authority to abate said Nuisance. Within thirty (30) calendar days of the work being performed, the City shall serve the Responsible Party an order to pay costs, which shall include a statement of the amount of costs incurred and an explanation of the appeals process set forth in Section 680.10 herein. The order shall additionally state that failure to pay within thirty (30) calendar days or timely appeal will result in the charge being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

(e) If within thirty (30) calendar days after the mailing of the order, the cost is neither paid nor timely appealed, it may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected or the City may seek recovery of such costs by civil action against the property owner involved. An Affidavit of Facts shall be filed if the City has razed a building or structure or if more than one thousand dollars (\$1,000) has been expended by the City in abating the Nuisance.

680.07 PROCEDURES TO ABATE NUISANCES INVOLVING CRIMINAL ACTIVITY; COSTS OF ENFORCEMENT.

The following procedures shall apply to the abatement of a Nuisance as defined by Section 680.01(a)(4) or (5):

(a) The Mayor or designee shall have full authority to abate Nuisances as defined by Section 680.01(a)(4) or (5) in accordance with law including, but not limited to, the use of administrative and law enforcement action.

(b) All administrative and law enforcement costs incurred by the City in abating any such Nuisances may be charged to the Responsible Party under the procedure set forth herein if two (2) or more of the Nuisances, as defined by Section 680.01(a)(4) or (5), have occurred on the same property within a twelve (12) month period, or one (1) felony drug activity in violation of Ohio R.C. Chapter 2925, or a substantially equivalent federal law has occurred on the property.

(c) Within thirty (30) calendar days of the most recent commitment of an activity listed in Section 680.01(a)(4) or (5), the City shall give notice to the Responsible Party to pay such administrative and law enforcement costs, which notice shall be accompanied by an order to pay within thirty (30) calendar days, a statement of the amount of costs incurred, and an explanation of the appeals process set forth in Section 680.10 herein. The order shall additionally state that failure to pay or timely appeal will result in the cost being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

(d) If within thirty (30) calendar days after the mailing of the notice and order, the cost is neither paid nor timely appealed, it may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected or the City may seek recovery of such costs by civil action against the property owner involved. An Affidavit of Facts shall be filed if more than one thousand dollars (\$1,000) has been expended by the City in abating the Nuisance.

(e) If the Mayor or designee finds that a use of a property constitutes a Nuisance due to repeated criminal activities listed in Section 680.01(a)(4) or (5), the Mayor or designee shall report such facts to Council which may thereupon declare such use to be a Nuisance. The Mayor or designee shall determine what reasonable actions are necessary to abate such nuisance including, but not limited to, the revocation of the Responsible Party's Certificate of Occupancy.

(f) Upon such finding and declaration, the Mayor or designee shall proceed in the manner provided in Section 680.06 (a), (b), (d) and (e), unless the method of abatement is the revocation of the Responsible Party's Certificate of Occupancy. In such event, the Mayor or designee shall cause the service of a written notice and an order to revoke the Responsible Party's Certificate of Occupancy. The order shall set forth an explanation of the appeals process set forth in Section 680.10 herein. If the order is not timely appealed, the certificate shall be revoked.

680.08 PROCEDURES TO ABATE OTHER NUISANCES.

(a) If the Mayor or designee finds the existence of a Nuisance as defined by Section 680.01(a)(1) or Section 680.01(a)(6), the Mayor or designee shall report such facts to Council which may thereupon declare such use, condition, building, or structure to be a Nuisance. The Mayor or designee shall determine what reasonable actions, repairs, or maintenance are necessary to abate such nuisance including, but not limited to, razing the building and structure or the revocation of the Responsible Party's Certificate of Occupancy.

(b) Upon such finding and declaration, the Mayor or designee shall proceed in the manner provided in Section 680.06 (a), (b), (d) and (e), unless the method of abatement is the revocation

of the Responsible Party's Certificate of Occupancy. In such event, the Mayor or designee shall cause the service of a written notice and an order to revoke the Responsible Party's Certificate of Occupancy. The order shall set forth an explanation of the appeals process set forth in Section 680.10 herein. If the order is not timely appealed, the certificate shall be revoked.

680.09 SERVICE OF NOTICE AND ORDER TO ABATE.

Unless otherwise noted, all notices and orders issued pursuant to this Chapter shall be served by delivering it personally to the Responsible Party or leaving it at the Responsible Party's usual place of business or residence, or by posting it in a conspicuous place on the real estate, building, or structure involved, or by first-class mail to the last known address of the Responsible Party, or by publishing it once in a newspaper of general circulation within the City if it cannot be served in any of the other ways above mentioned.

680.10 APPEAL BEFORE THE NUISANCE ABATEMENT BOARD OF REVIEW.

(a) Any person issued a notice or order pursuant to this Chapter may appeal by requesting a hearing before the Nuisance Abatement Board of Review to review that notice or order.

(b) An appeal and request for a hearing must be made in writing and received by the Director of Law within fourteen (14) calendar days of the date of the service of the notice or order. Filing of the notice of appeal shall stay the order being appealed during the pendency of the appeal unless immediate abatement of the Nuisance is necessary to protect the health, safety, or welfare of the community. If no timely appeal is received, it will be conclusively presumed that the Nuisance occurred and the order shall be final. Any associated costs shall be certified to the County Fiscal Officer as a lien against the property at issue and any subject Certificates of Occupancy shall be revoked.

(c) The appeal hearing shall be held within a reasonable time from receipt of the request to appeal. The appellant shall be given at least seven (7) calendar days' notice of the date, time, and location of the hearing and shall have the opportunity to present evidence to the Board and cross examine any sworn witnesses presented by the City. The City shall have the burden of proving the existence of Nuisance and/or the reasonableness of the notice or order by a preponderance of the evidence. The hearing shall proceed in a manner prescribed by the Board.

(d) After said hearing, the Board shall render a written decision affirming, modifying, or rejecting the notice or order. The Board is not bound by the original notice or order and may set forth its own remedy. The Board may order the City to revoke a Certificate of Occupancy, in addition to any additional remedies and subject to the requirements of Section 680.03 herein. The Board shall notify the appellant of the decision by first-class mail. If the determination includes payment of costs, the decision should include an order to pay said costs within thirty (30) calendar days and statement that failure to timely pay will result in certification of the costs to the County Fiscal Officer for collection as other taxes and assessments are

collected. The City shall immediately revoke a Certificate of Occupancy after so ordered by the Board or immediately after Council declares the use a Nuisance.

(e) A written decision shall not be found against an owner of a rental property who establishes by a preponderance of the evidence:

(1) He or she had no knowledge of the Nuisance activities on the premises and could not, with reasonable care and diligence, have known of the Nuisance activities occurring on the premises; and

(2) Upon receipt of notice of the occurrence of Nuisance activities on the premises, he or she promptly took all actions necessary to abate the Nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and Ohio R.C. 5321.04(A)(9).

(f) If within thirty (30) calendar days after the mailing of the Board's order, costs are not paid, said costs may be certified to the County Fiscal Officer for collection as other taxes and assessments are collected or the City may seek recovery of such costs by civil action against the property owner involved.

680.11 EMERGENCY.

If it is determined by the Mayor or the Designee that an emergency exists by reason of the continuing presence of a Nuisance, the City may perform any action which may be required under this Chapter or other applicable state or federal law without prior notice or hearing.

Within thirty (30) calendar days of the action being performed, the City shall serve the Responsible Party an order to pay costs, which shall include a statement of the amount of costs incurred and an explanation of the appeals process set forth in Section 680.10 herein. The order shall additionally state that failure to pay within thirty (30) calendar days or timely appeal will result in the charge being certified to the County Fiscal Officer for collection as other taxes and assessments are collected.

ORDINANCE NO.: 2016-47

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY: *Councilman Ron Jackson*

AN ORDINANCE WAIVING THE ONE HUNDRED PERCENT (100%) ESCROW REQUIREMENT TO CORRECT VIOLATIONS RESULTING FROM POINT OF SALE INSPECTIONS PER CHAPTER 1494 OF THE CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS TO OFFER AN INCENTIVE TO OWNER OCCUPIED HOMEOWNERS WHO PURCHASE RESIDENTIAL PROPERTIES IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Maple Heights wishes to institute an Owner Occupied Homeowner Incentive Program which would promote and encourage new homeowners to purchase and renovate residential properties in the City of Maple Heights; and

WHEREAS, the City of Maple Heights Owner Occupied Homeowner Incentive Program will include the waiver of the 100% escrow requirement to correct violations resulting from the point of sale inspection per Chapter 1494 for a period from July 1, 2016 thru January 1, 2017.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. The Mayor is hereby authorized to waive the 100% escrow requirement to correct violations resulting from point of sale inspections per Chapter 1494 of the Codified Ordinances to offer an incentive to owner occupied homeowners to purchase properties in the City of Maple Heights for the enumerated six (6) month period of time.

Section 2. Participants in this Program will be required to sign an affidavit attesting to the fact that the Purchaser will reside in the property as their primary residence for two (2) years commencing upon the issuance of an occupancy permit by the Chief Building Official.

Section 3. This Ordinance constitutes an emergency measure necessary for the general welfare of the residents, and to encourage owner occupied home ownership in the City and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Section 4. 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 on the date indicated below, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED: July 6, 2016

Richard Trojanski
Richard Trojanski, President of Council

ATTEST: Leonette F. Cicirella
Leonette F. Cicirella, Clerk of Council

Annette M. Blackwell
Annette M. Blackwell, Mayor

I, Leonette F. Cicirella, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

July 7, 2016
Date

Leonette F. Cicirella
Leonette F. Cicirella, Clerk of Council

**CITY OF MAPLE HEIGHTS
OWNER AFFIDAVIT**

I, _____, certify that I am the **Owner Occupant** of the Home located at:

_____, _____, OH _____
(Address) (City) (Zip Code) Permanent Parcel No.

Please read each statement and then place your initials to the left of the statement.

_____ I understand that it will be my responsibility to notify the City of Maple Heights when the above-named owner/occupant no longer resides at the address listed above.

_____ I certify that I will occupy the home for a period of two (2) years commencing upon the Chief Building Official permitting occupancy. In the event that I fail to occupy the property for the full two (2) years as stated, I also agree and consent to pay any outstanding repairs remaining from the point of sale inspection in escrow within thirty (30) days. Payments not made within thirty (30) days may be subject to a fine payable to the Maple Heights Building Department.

_____ I understand that should any of the above statements be false, I am liable for any penalties including, but not limited to, **the collection of any money owed for escrow purposes** for which the law provides, plus interest at a rate of 1.5% per month, administrative costs, court costs, and any attorney fees incurred in the collection of those sums.

_____ I agree to, and stipulate, that the City of Maple Heights **may use whatever legal means it has at its disposal to verify my residency**, including having a Building Official visit my home to ensure that the family named above, resides at this address.

NOTE: Be sure you have read this statement carefully before you sign. **Giving false information under oath is punishable as a criminal offense** under the Ohio Revised Code 2921.13 and 2921.21, a misdemeanor of the first degree with a maximum fine of \$1,000 and/or a jail term of six months. In the City of Maple Heights, **each violation may be thoroughly and vigorously prosecuted.**

Signatures:

Signature of Owner Occupant (Soc. Sec. #) (Date)

Signature of Owner Occupant (Soc. Sec. #) (Date)

(Printed Name(s) of Owner Occupant(s) (Phone Number of Owner Occupant(s))

State of Ohio) SS)
County of Cuyahoga)

Before me, a Notary Public in the County of Cuyahoga, State of Ohio, came the above-named individual(s) who said that he/she/they understand the statements set forth above and adopt said statements and the information herein as his/her/their own, and as true to the best of his/her knowledge of the consequences and penalties of falsification, and do affix his/her signature in my presence this _____ day of _____, 20_____.

Notary Public

Effective Date July 1, 2016

ORDINANCE NO.: 2016-106

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

**AN ORDINANCE ENACTING CHAPTER 680 – “NUISANCE ABATEMENT” OF THE
CODIFIED ORDINANCES OF THE CITY OF MAPLE HEIGHTS AND REPEALING SECTION
648.19, AND DECLARING AN EMERGENCY**

WHEREAS, properties that require ongoing attention from building and fire inspectors, police officers, or other government agencies for complaints, which range from criminal activity to chronic disrepair, fracture neighborhoods, harm quality of life, and drain City resources; and

WHEREAS, Chapter 680 - “Nuisance Abatement” of the Codified Ordinances of Maple Heights establishes procedures for the City to effectively correct or eliminate issues created by such problem properties, incorporating parts of existing Section 648.19 – “Abatement Of Criminal Activity Nuisances”; and

WHEREAS, Council has determined that Nuisance Abatement procedures are in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, State of Ohio that:

Section 1. Chapter 680 - “Nuisance Abatement,” of the Codified Ordinances of Maple Heights shall be, and is hereby, enacted and adopted in its entirety to read as Exhibit A attached hereto and incorporated herein. A complete copy of Exhibit A is also on file with the Clerk of Council.

Section 2. The existing Section 648.19 – Abatement Of Criminal Activity Nuisances” of the Codified Ordinances, shall be, and is hereby, repealed in its entirety.

Section 3. 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 on the date indicated below, and that all deliberations of Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City and for the further reason that nuisance abatement procedures must be timely established, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2016

Richard Trojanski, President of Council

Annette M. Blackwell, Mayor

ORDINANCE NO.: 2016-106

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Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette F. Cicirella, Clerk of Council

ORDINANCE NO.: 2014-36

INTRODUCES BY: Mayor Jeffrey A. Lansky

MOTION FOR ADOPTION BY: Councilwoman Toni Jones

AN ORDINANCE REPEALING CHAPTER 1487 OF THE CODIFIED ORDINANCES REGARDING CERTIFICATES OF RENTAL COMPLIANCE AND AMENDING CHAPTER 1486 REGARDING THE REGISTRATION OF RENTAL PROPERTIES IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, due to the financial condition of the City, the staff in the Building Department has been reduced; and

WHEREAS, the procedures, inspections, and investigation of violators for the registration of rental properties have become unmanageable for the decreased staff; and

WHEREAS, in the three months preceding the January 1, 2014 deadline, over 1,000 rental registration applications were submitted to the Building Department with no fees collected; and

WHEREAS, the Chief Building Official has recommended to the Council a new, more efficient procedure for the Rental Registration and tenant licensing process.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, State of Ohio, Cuyahoga County:

Section 1. That Chapter 1487 of the Codified Ordinances regarding the Certificates of Rental Compliance is hereby repealed.

Section 2. That Chapter 1486 of the Codified Ordinances is hereby amended as follows:

CHAPTER 1486

Registration of Rental Properties

1486.01 DEFINITIONS.

As used in this section:

(a) "Agent in Charge" means a resident of Cuyahoga County, Ohio, who has been designated by the owner of a rental property located in the City of Maple Heights, to be the local agent-in-charge (AIC), to oversee the maintenance and financial obligations of the property, when the owner of the property does not reside in Cuyahoga County, Ohio. The Agent in Charge must be a resident of Cuyahoga County and register with the City for the property.

(b) "Designated City official" means the Building Commissioner the City of Maple Heights, Ohio or his/her designee.

(c) "Dwelling unit" means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used by only one family.

(d) "Family" means one or more persons not necessarily related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit, under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

(e) "Person" means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest or any other legal or community entity.

(f) "Property owner" means a person, corporation, or limited liability corporation claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(g) A "Registration of rental property" is a required action to be completed by each property owner according to the requirements of this chapter, before proceeding to rent any portion or building(s) situated on said property(s).

(h) "Rent" means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

(i) "Rental unit" means any dwelling unit; or any rented room within a single family or two-family dwelling or duplex; or the third floor of a two-family dwelling or duplex; or multi-family building, apartment building(s), or multi-family condominiums, or any commercial strip center(s), or commercially leased unit(s), where either money or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, occupies the unit or operates a business in the unit, whether or not such person pays money or other valuable considerations.

(j) "Tenant" means any person, company, organization, or franchise that rents or leases a rental unit for living, dwelling or business purposes with the consent of the landlord.

(k) "Tenant Rental License" means the document provided by the designated City Official to the owner or agent in charge granting permission to allow a tenant to move into a residential or commercial rental unit.

1486.02 RENTAL REGISTRATION.

(a) Each owner of a property, both residential and commercial, as defined in Section 1486.01(f), or the Agent in Charge as defined in Section 1486.01(a), of a rental unit within the City shall register such rental unit with the designated City official within 30 days after the date of acquiring ownership, transfer of the title, while the unit is still vacant, or with a change or imminent change in tenant(s) by obtaining a "Rental Registration Packet" from the Maple Heights Building Department. A separate rental registration packet shall be required for each rental unit.

(b) The "rental registration packet" shall contain all necessary forms and information required by the Building Department, including registration forms for the owner, agent-in-charge, and prospective tenant(s), and must be completed and returned to the Building Department before any tenant shall move into the unit. Upon return of the appropriate forms in

the rental registration packet to the City, a Rental Registration Application fee, a Tenant Rental License fee, and a Rental Inspection fee shall be required to be paid by the property owner as noted as a total amount in Section 1486.02 (c)(d) and (e).

(c) Each application for rental registration of any rented unit or room within a single-family, two-family dwelling, duplex, the third floor of a two-family dwelling, or duplex shall be accompanied by a non-refundable fee of two-hundred twenty-five dollars (\$225.00) per rental unit or room,

(d) Each application for rental registration of a dwelling unit within any multi-family building, apartment building(s), or multi-family condominiums, shall be accompanied by a non-refundable fee of two-hundred twenty-five dollars (\$225.00) for the first rental unit in each separate building and a non-refundable fee of one hundred seventy-five dollars (\$175.00) for each additional unit in the building.

(e) Each application for rental registration for a commercial strip center(s), or commercially leased unit(s) shall be accompanied by a nonrefundable fee of three hundred twenty-five dollars (\$325.00)

(f) If an owner fails to timely register a rental unit, does not obtain a Tenant Rental License before a tenant moves into the rental unit, or does not re-register upon the change of tenant(s), all Rental Registration fees, Rental Inspections fees, and Tenant Rental License fees shall be tripled. The owner shall also be subject to the penalty provisions as set forth in Section 1486.06.

(g) After the fully completed Rental Registration Packet is returned to the Building Department, and the total payment of the fees required in Sections 1486.02(c)(d) and/or (e) are received by the Building Department, the designated City official shall require a general inspection of the rental unit, of which cost is included in the initial fee. The Official shall provide to the owner or agent in charge by regular mail, a list of the violations for the rental unit or property that do not comply with the building and maintenance codes. Upon re-inspection of the rental unit for code compliance, a re-inspection fee shall not be required for the first re-inspection, but will be required for subsequent inspections or for non-appearance of the owner or agent in charge of the property during the inspections. When the rental unit and property passes the inspection, the Building Official or the designee shall mail to the owner or agent in charge a "Passed Inspection Report".

(h) Upon receipt of a "passed inspection report", the owner or agent in charge, shall mail to the Building Department the applicable tenant forms contained in the Rental Registration Packet, including a completed Regional Income Tax Agency (RITA) form for both the owner and the tenant. If there are no Planning and Zoning requirements for the tenant, and the tenant and RITA forms are properly completed and returned, the City Official shall mail to the owner or agent in charge, a "Tenant Rental License" for the tenant's occupation of the rental unit.

(i) A Rental Registration and a Tenant Rental License are not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title, and upon a change of tenant(s) in the rental unit.

1486.03 RENEWAL OF REGISTRATION OR TENANT RENTAL LICENSE

If there are no changes to the original applications, the owner or agent in charge of the rental unit shall not be required to renew the rental registration or Tenant Rental License of the rental unit unless the tenant(s) changes or the rental registration becomes null and void according

to Section 1486.05 At the time of renewal, the owner or agent in charge shall be required to once again, fully comply with Section 1486.02.

1486.04 INSPECTIONS.

The designated City official shall be authorized to make or cause to be made inspections upon initial and subsequent rental registrations or when periodic re-inspections are deemed necessary by the designated City Official, ~~in order~~ to verify that occupants have not changed, upon valid complaints to the Building Department, and to ensure compliance with the Ohio Building Code, the Property Maintenance Code, and all other applicable ordinances. The inspection fees according to Sections 1442.03(d), and 1442.04(d) shall only be waived for the initial rental registration when applicable.

1486.05 VOIDING REGISTRATION OR TENANT RENTAL LICENSE.

Any Rental Registration or Tenant Rental License shall become null and void and the owner or agent in charge of the rental unit shall be required to re-register for a new ~~application~~ Rental Registration and Tenant Rental License per Section 1486.02 under the following conditions:

(a) If there are any changes from the original application, including change of tenant, ownership, or use,

(b) The rental unit for which the registration was granted and the use to which it was ~~put~~ designated does not, or no longer complies in all respects with this code and with all other applicable laws and ordinances;

(c) Any false statement or representation has been made by the applicant, or owner, agent in charge or tenant in connection with the application or issuance of the rental registration or Tenant Rental License;

(d) The owner, agent in charge or tenant does or causes anything to be done that is prohibited by law or omits or fails to do anything required by this code or by any other law or ordinance relating to such building or its use;

(e) An owner, agent in charge or tenant fails to allow or cooperate with the designated City official conducting inspections as set forth in this chapter, or fails to cooperate with other Building Department personnel in the daily operations necessary for the registration process, or

(f) The property is declared to be a nuisance for Criminal Activity according to Section 648.19 of the Codified Ordinances.

1486.06 PENALTIES.

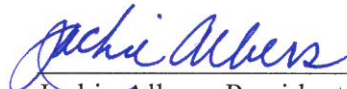
An owner or agent in charge, who fails to timely register and maintain a Rental Registration or a Tenant Rental License for a rental unit is guilty of a fourth degree misdemeanor for a first offense, a third degree misdemeanor for a second offense, and a second degree misdemeanor for each and every subsequent offense. A separate violation shall be committed for each day and each rental unit that is not properly registered or a Tenant Rental License is not obtained or a Tenant Rental License is not obtained before the tenant occupies the unit. Knowingly submitting a false statement as part of the application or inspection process for rental registration or tenant licensing shall be a first degree misdemeanor.

Section 3 That Chapter 1486 as it previously existed is hereby and ordered to be repealed and amended.

Section 4. This Ordinance constitutes an emergency measure necessary to provide for the daily operations of the Building Department, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

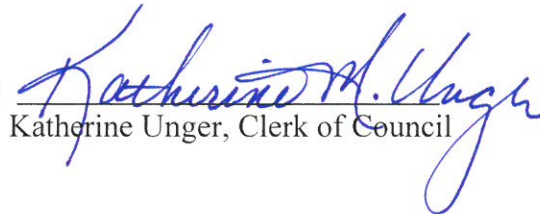
Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of this Council an of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: July 23 2014

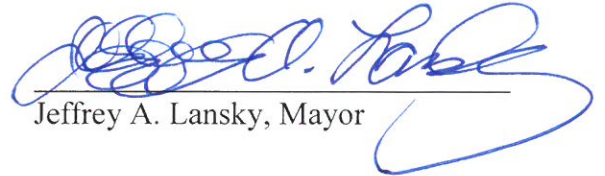


Jackie Albers, President of Council

ATTEST:



Katherine Unger, Clerk of Council



Jeffrey A. Lansky, Mayor

ORDINANCE NO.; 2015-05 (As amended)

INTRODUCED BY: Councilman Richard Trojanski

MOTION FOR ADOPTION BY: Councilman Alex Adams

CO-SPONSORED BY: Council Members Albers, Adams, and Jones

AN ORDINANCE AMENDING SECTION 1486.02(b) OF THE CODIFIED ORDINANCES REGARDING OBTAINING A RENTAL REGISTRATION LICENSE IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Maple Heights requires all owners of properties obtain a Rental Registration License before a tenant moves into the unit for both residential and commercial properties; and

WHEREAS, the City's collection rate on property tax is approximately 80%, which has contributed to the status of Fiscal Emergency in the City; and

WHEREAS, monies generated from property taxes are essential to the continuing operation of the City and its ability to provide municipal services to its residents for the protection of their health, safety and well being on a continuing bases; and

WHEREAS, the Council of the city of Maple Heights desires to ensure that the housing stock and the commercial real estate of the City is maintained to the highest possible standard, and

WHEREAS, in order to further bolster the protection of our tenants, housing stock and preservation of our tax base, the Council of the City of maple heights desires to withhold the Residential and/or Commercial Rental Registration License for those property owners who are delinquent in their taxes until paid or until the property owner provides documentation of being on a county payment plan in good standing.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Maple Heights, State of Ohio, Cuyahoga County:

Section 1. That Section 1486.02 of the Codified Ordinances be amended as follows:

1486.02 RENTAL REGISTRATION.

(a) Each owner of a property, both residential and commercial, as defined in Section 1486.01(f), or the Agent in Charge as defined in Section 1486.01(a), of a rental unit within the City shall register such rental unit with the designated City official within 30 days after the date of acquiring ownership, transfer of the title, while the unit is still vacant, or with a change or imminent change in tenant(s) by obtaining a "Rental Registration Packet" from the Maple Heights Building Department. A separate rental registration packet shall be required for each rental unit.

(b) The "rental registration packet" shall contain all necessary forms and information required by the Building Department, including registration forms for the owner, agent-in-charge, and prospective tenant(s), **proof of full payment of property taxes for each residential and commercial rental property or documentation of being on a county payment plan in**

good standing, and must be completed and returned to the Building Department before any tenant shall move into the unit. Upon return of the appropriate forms in the rental registration packet to the City, a Rental Registration Application fee, a Tenant Rental License fee, and a Rental Inspection fee shall be required to be paid by the property owner as noted as a total amount in Section 1486.02 (c)(d) and (e).

(c) Through (i) "No Change"

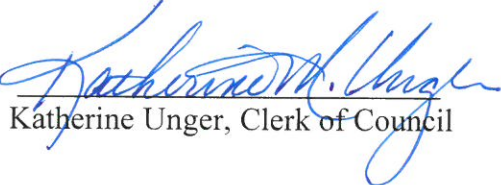
Section 2. That Section 1486.02(b) as it previously existed is hereby repealed.

Section 3. This Ordinance constitutes an emergency measure necessary to provide for the daily operations of the Building Department, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Section 4. That 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 on the date indicated below, and that all deliberations of this Council an of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: March 4, 2015

ATTEST:


Katherine Unger, Clerk of Council


Jackie Albers, President of Council


Jeffrey A. Lansky, Mayor

I, Katherine M. Unger, Clerk of Council of the City of Maple Heights, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that same has been and will remain duly posted as required by law.

Date: Mar. 6, 2015
Council


Katherine M. Unger, Clerk of

[Print](#)

Maple Heights, OH Code of Ordinances

CHAPTER 1486

Registration of Rental Properties

- 1486.01 Definitions.
- 1486.02 Rental registration.
- 1486.03 Renewal of registration or tenant rental license.
- 1486.04 Inspections.
- 1486.05 Voiding registration or tenant rental license.
- 1486.99 Penalties.

1486.01 DEFINITIONS.

As used in this section:

- (a) “Agent in charge” means a resident of Cuyahoga County, Ohio, who has been designated by the owner of a rental property located in the City of Maple Heights, to be the local agent-in-charge (AIC), to oversee the maintenance and financial obligations of the property, when the owner of the property does not reside in Cuyahoga County, Ohio. The agent in charge must be a resident of Cuyahoga County and register with the City for the property.
- (b) “Designated City official” means the Chief Building Official the City of Maple Heights, Ohio or his/her designee.
- (c) “Dwelling unit” means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used by only one family.
- (d) “Family” means one or more persons not necessarily related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit, under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.
- (e) “Person” means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest or any other legal or community entity.
- (f) “Property owner” means a person, corporation, or limited liability corporation claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title, holder of life-estate, holder of leasehold estate for an interim term

of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(g) A “Registration of rental property” is a required action/document to be completed by each property owner or AIC according to the requirements of this chapter, before proceeding to rent any portion or building(s) situated on said property(s).

(h) “Rent” means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner and generally involves the payment of a rental amount although other forms of consideration may be involved or no consideration at all may be involved.

(i) “Rental unit” means any dwelling unit; or any rented room within a single family or two-family dwelling or duplex; or the third floor of a two-family dwelling or duplex; or multi-family building, apartment building(s), or multi-family condominiums, or any commercial strip center (s), or commercially leased unit(s), where either money or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, occupies the unit or operates a business in the unit, whether or not such person pays money or other valuable considerations.

(j) “Tenant” means any person, company, organization, or franchise that rents or leases a rental unit for living, dwelling or business purposes with the consent of the owner or agent in charge.

(k) “Tenant rental license” means the document provided by the designated City official to the owner or agent in charge granting permission to allow a tenant to move into a residential or commercial rental unit.

(Ord. 2007-14. Passed 11-28-07; Ord. 2011-33. Passed 6-15-11; Ord. 2013-74. Passed 12-4-13; Ord. 2014-36. Passed 7-23-14.)

1486.02 RENTAL REGISTRATION.

(a) Each owner of a property, both residential and commercial, as defined in Section 1486.01 (f), or the agent in charge as defined in Section 1486.01(a), of a rental unit within the City shall register such rental unit with the designated City official within thirty days after the date of acquiring ownership, transfer of the title, while the unit is still vacant, or with a change or imminent change in tenant(s) by obtaining a “Rental Registration Packet” from the Maple Heights Building Department. A separate rental registration packet shall be required for each rental unit.

(b) The “rental registration packet” shall contain all necessary forms and information required by the Building Department, including registration forms for the owner, agent-in-charge, and prospective tenant(s), proof of full payment of property taxes for each residential and commercial rental property or documentation of being on a county payment plan in good standing, and must be completed and returned to the Building Department before any tenant shall move into the unit. Upon return of the appropriate forms in the rental registration packet to the City, a rental registration application fee, a tenant rental license fee, and a rental inspection fee

shall be required to be paid by the property owner as noted as a total amount in subsection (c), (d) and (e) hereof.

(c) Each application for rental registration of any rented unit or room within a single-family, two-family dwelling, duplex, the third floor of a two-family dwelling, or duplex shall be accompanied by a non-refundable fee of two hundred twenty-five dollars (\$225.00) per rental unit or room,

(d) Each application for rental registration of a dwelling unit within any multi-family building, apartment building(s), or multi-family condominiums, shall be accompanied by a non-refundable fee of two hundred twenty-five dollars (\$225.00) for the first rental unit in each separate building and a non-refundable fee of one hundred seventy-five dollars (\$175.00) for each additional unit in the building.

(e) Each application for rental registration for a commercial strip center(s), or commercially leased unit(s) shall be accompanied by a nonrefundable fee of three hundred twenty-five dollars (\$325.00).

(f) If an owner fails to timely register a rental unit, does not obtain a tenant rental license before a tenant moves into the rental unit, or does not re-register upon the change of tenant(s), all rental registration fees, rental inspections fees, and tenant rental license fees shall be tripled for each unit. The owner shall also be subject to the penalty provisions as set forth in Section 1486.99 .

(g) After the fully completed rental registration packet is returned to the Building Department, and the total payment of the fees required in subsections (c), (d) and/or (e) hereof are received by the Building Department, the designated City official shall require a general inspection of the rental unit, of which cost is included in the initial fee. Within 30 days after the inspection, if the rental unit does not pass the inspection, the City Official shall provide to the owner or agent in charge by regular mail, a list of the violations for the rental unit or property that do not comply with the building and maintenance codes. Upon re-inspection of the rental unit for code compliance, a re-inspection fee shall not be required for the first re-inspection, but will be required for subsequent inspections or for non-appearance of the owner or agent in charge of the property during the inspections. When the rental unit and property passes the inspection, the Building Official or the designee shall mail to the owner or agent in charge a "passed inspection report".

(h) Upon receipt of a "passed inspection report", the owner or agent in charge, shall mail to the Building Department the applicable tenant forms contained in the rental registration packet, including a completed Regional Income Tax Agency (RITA) form for both the owner and the tenant. If there are no planning and zoning requirements for the tenant, and the tenant and RITA forms are properly completed and returned, the City Official shall mail to the owner or agent in charge, a "tenant rental license" for the tenant's occupation of the rental unit.

(i) A rental registration and a tenant rental license are not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title, and upon a change of tenant (s) in the rental unit.

(Ord. 2007-14. Passed 11-28-07; Ord. 2009-08. Passed 2-18-09; Ord. 2011-33. Passed 6-15-11; Ord. 2013-74. Passed 12-4-13; Ord. 2014-36. Passed 7-23-14; Ord. 2015-05, passed 3-4-15.)

1486.03 RENEWAL OF REGISTRATION OR TENANT RENTAL LICENSE.

If there are no changes to the original applications, the owner or agent in charge of the rental unit shall not be required to renew the rental registration or tenant rental license of the rental unit unless the tenant(s) changes or the rental registration becomes null and void according to Section 1486.05. At the time of renewal, the owner or agent in charge shall be required to once again, fully comply with Section 1486.02.

(Ord. 2007-14. Passed 11-28-07; Ord. 2008-55. Passed 7-16-08; Ord. 2011-33. Passed 6-15-11; Ord. 2012-59. Passed 6-20-12; Ord. 2013-74. Passed 12-4-13; Ord. 2013-85. Passed 12-18-13; Ord. 2014-36. Passed 7-23-14.)

1486.04 INSPECTIONS.

The designated City official shall be authorized to make or cause to be made inspections upon initial and subsequent rental registrations, or when periodic re-inspections are deemed necessary by the designated City Official, to verify that occupants have not changed, upon valid complaints to the Building Department, and to ensure compliance with the Ohio Building Code, the Property Maintenance Code, and all other applicable ordinances. The inspection fees according to Sections 1442.03(d), and 1442.04(d) shall only be waived for the initial rental registration when applicable.

(Ord. 2007-14. Passed 11-28-07; Ord. 2011-33. Passed 6-15-11; Ord. 2013-74. Passed 12-4-13; Ord. 2014-36. Passed 7-23-14.)

1486.05 VOIDING REGISTRATION OR TENANT RENTAL LICENSE.

Any rental registration or tenant rental license shall become null and void and the owner or agent in charge of the rental unit shall be required to re-register for a new rental registration and tenant rental license per Section 1486.02 under the following conditions:

- (a) If there are any changes from the original application, including change of tenant, ownership, or use;
- (b) The rental unit for which the registration was granted and the use to which it was designated does not, or no longer complies in all respects with this code and with all other applicable laws and ordinances;
- (c) Any false statement or representation has been made by the owner or agent in charge or tenant in connection with the application or issuance of the rental registration or tenant rental license;

(d) The owner, agent in charge or tenant does or causes anything to be done that is prohibited by law or omits or fails to do anything required by this code or by any other law or ordinance relating to such building or its use;

(e) An owner, agent in charge or tenant fails to allow or cooperate with the designated City official conducting inspections as set forth in this chapter, or fails to cooperate with other Building Department personnel in the daily operations necessary for the registration process; or

(f) The property is declared to be a nuisance for criminal activity according to Section 648.19 of the Codified Ordinances.

(Ord. 2007-14. Passed 11-28-07; Ord. 2011-33. Passed 6-15-11; Ord. 2012-59. Passed 6-20-12; Ord. 2013-74. Passed 12-4-13; Ord. 2014-36. Passed 7-23-14.)

1486.99 PENALTIES.

An owner who fails to timely register and maintain registration for a rental unit is guilty of a fourth degree misdemeanor for a first offense, a third degree misdemeanor for a second offense, and a second degree misdemeanor for each and every subsequent offense. A separate violation shall be committed for each day and each rental unit that is not properly registered. Knowingly submitting a false statement as part of the application or inspection process for rental registration shall be a first degree misdemeanor.

(Ord. 2007-14. Passed 11-28-07; Ord. 2011-33. Passed 6-15-11.)