

CITY OF TWINSBURG, OHIO

ORDINANCE 38-2008

AN ORDINANCE CREATING CHAPTER 1329 OF THE CODIFIED ORDINANCES OF THE CITY OF TWINSBURG ESTABLISHING COMPLIANCE AND ENFORCEMENT OF RENTAL PROPERTIES

WHEREAS, the Chief Building Official for the City of Twinsburg has determined for health, safety and welfare of the residents of the City, legislation is needed for the inspection and maintenance of rental properties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That Chapter 1329 of the Codified Ordinances of the City of Twinsburg shall hereby be established as follows:

CHAPTER 1329 **Compliance and Enforcement of Rental Properties**

1329.01 Responsibility for compliance	1329.06 Cases of emergency
1329.02 Definitions	1329.07 Board of Appeals; right of appeal
1329.03 Nonrental property inspections	1329.08 Rules and regulations
1329.04 Rental unit and multiple dwelling	1329.081 Waste container location & pick up
1329.05 Notice of violation	1329.09 Other legal action
1329.06 Noncompliance with notice	1329.99 Penalty

Cross References

Removal of unsafe structures – see Ohio R. C. 715.26(B), 715.261, 715.27(A)
Board of Zoning and Building Code Appeals – see COT Zoning & Development
Regulations (1199)

1329.01 RESPONSIBILITY FOR COMPLIANCE

The owner, agent, or person in charge shall be responsible for compliance with all of the provisions of this Code (purpose of Chapter 1327 defined as International Property Maintenance current edition).

1329.02 DEFINITIONS

For the purpose of this chapter, the following words and phrases have the following meaning:

- (a) “Building Official” is the director of the Division of Building or his or her designee.
- (b) “Property Owner” means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. If more than one person or entity owns the subject real property, “property owner” refers to each person or entity holding any portion of the fee interest in the property, and the property owners’

obligation in this chapter are joint and several as to each property owner.

- (c) “Rental Dwelling Unit” means any building or portion of a building in the City of Twinsburg that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, which is hired, rented or leased by a person within the meaning of Ohio Revised Code 5321.01-5321.19. A “rental dwelling unit” includes a single family dwelling, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking, or eating. The definition of rental dwelling unit applies to any dwelling space that is actually used or available for residential purposes whether or not the residential use is legally permitted. The definition of rental dwelling unit applies to single room occupancy hotels but does not apply to any other hotels, motels, or bed and breakfast facilities.
- (d) “Single Room Occupancy Hotel” means any building that contains six or more rooms intended or designed to be used, rented or occupied for sleeping or living purposes by tenants and is the primary residence of those tenants. A “single room occupancy hotel” is not a building containing six or more rooms that is primarily used by transient guests who do not occupy the building as their primary residence.
- (e) “Substandard Condition” means a rental dwelling unit or its premises that is:
 - (1) Not in compliance with the current edition of the International Property Maintenance Code as adopted in Chapter 1313 of the City of Twinsburg Codified Ordinance.
 - (2) Unsafe to occupy pursuant to Chapter 1 section 108 of the International Property Maintenance Code.

1329.03 NONRENTAL PROPERTY INSPECTIONS

- (a) The Building Commissioner and inspectors officially so designated by the Mayor are hereby authorized to make, or cause to be made, inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Code.
- (b) Upon presentation of proper credentials, the Building Commissioner and inspectors officially so designated by the Mayor, may, after reasonable notice to the owner, enter at reasonable times and view the exterior and yard area of any dwelling, building, structure or premises in the City to perform any duty imposed on him by this Code as is mandatory. The Building Commissioner and inspectors officially so designated by the Mayor are not authorized to enter the interior of any dwelling, building, structure or premises under this Code unless the owner is notified that any such proposed inspection is not mandatory and is also given reasonable notice of the intent to seek permission of the owner for such interior inspection. However, after the foregoing prerequisites are met, an interior inspection can be made if permission in writing for such interior inspection is first granted by the owner. Although the notice requirements are applicable to multiple dwellings and such inspections are mandatory.
 - (1) Reasonable notice. Reasonable notice under this Code means at least seven days’ notice to the owner or occupant of the time and place of inspection. However, such notice requirement may be waived by oral or written permission given by the owner or occupant.
 - (2) Inspector’s credentials. The Building Commissioner and/or inspectors officially so designated by the Mayor shall carry official credentials of the city indicating that they are building inspectors officially so designated by the Mayor. The credentials shall also bear a photograph of the inspector and shall be officially sealed and signed by the Mayor.
 - (3) Confidentiality of inspection reports. Any information regarding the inspection of dwelling under this Code gathered by the Building Commissioner or inspectors officially so designated by the Director of Law as not a public record should not be

orally or in writing given to any person other than to members of the Division of Building and/or the City Administration.

1329.04 RENTAL UNIT AND MULTIPLE DWELLING

- (a) The Building Commissioner is hereby authorized to conduct an inspection of all rental units and/or multiple dwelling units and appurtenant structures, except the interior of an owner occupied dwelling unit every three years according to a schedule established by him. Pursuant to such schedule, the Building Commissioner shall notify the owner of any dwelling unit to be inspected, or his agent, that arrangements must be made with the Building Department for an inspection appointment within thirty days of such notice. The owner or agent, upon consent, shall cause the entire structure to be accessible for inspection at the time arranged which shall be during regular business hours. If the owner or agent, or an occupant, refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Chapter 1327.
- (b) The Building Commissioner is hereby directed to conduct an inspection of the third floor of every two-family dwelling structure, which third floor is a nonconforming use, every three years according to a schedule established by him, where such third floor has been occupied by a roomer at any time during the year prior to the date of inspection.
- (c) The Building Commissioner shall promulgate such rules and regulations as may be necessary in the enforcement of the Code, which regulations shall be consistent therewith.

1329.05 NOTICE OF VIOLATION

- (a) Whenever the Building Commissioner or any inspector officially so designated by the Mayor finds any dwelling structure or premises, or any part thereof, to be in violation of the provision of this Code, the Building Commissioner shall give or cause to be given or mailed to the owner or operator of such structure or premises a written notice stating the violations therein. Such notice shall order the owner or operator, within a stated reasonable time, not less than thirty days, to repair, improve or demolish the structure or premises concerned. Such delivery or mailing shall be deemed legal service of notice.
- (b) If the person to who a notice of violation is addressed cannot be found within Summit or adjacent counties after reasonable and diligent search, then notice may be sent by certified mail to the last known address of such person, and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.
- (c) Notwithstanding the requirement of notice provided herein, when in the opinion of the Building Commissioner the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, or when a prior violation notice has been sent to the owner or operator for the same or a similar violation, then no such notice of violation need be given to the owner or operator of such building.

1329.06 NONCOMPLIANCE WITH NOTICE

Whenever the owner, agent, lessor, lessee, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Building Commissioner or any inspector officially so designated by the Mayor, the Building Commissioner may issue a notice to such owner, agent, lessor, lessee, occupant or operator that he /she is in violation and shall institute appropriate action at law to compel compliance.

1329.07 CASES OF EMERGENCY

Whenever, in the opinion of the Building Commissioner, the condition of a structure or premises, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate repair of the structure or premise, or part thereof.

1329.08 BOARD OF APPEALS; RIGHT OF APPEAL

- (a) The Board of Zoning and Building Code Appeals standards as established by ordinance, shall be the Board of Appeals for this Code and its power and duties and the procedure for appeal shall be as provided in such ordinance establishing the Board.
- (b) The owner, agent, or operator of any structure or premises shall have the right to appeal from any order of, written notice issued by, the Building Commissioner within thirty days from the date such notice was given, mailed or issued, and to appear before the Board at a time and place fixed by the Board, to show cause why he/she should not comply with notice. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. However, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the Board acts upon the appeal.

1329.09 RULES AND REGULATIONS

The Building Commissioner, with the aid of the Law Director, is hereby authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Code. Such rules and regulations shall not conflict with or waive any provision of this Code or any other City Ordinance. Such rules and regulations shall be submitted to Council for approval and no such rule or regulation shall be adopted without such approval.

Such rules and regulations, upon approval by Council, shall be on file with the Building Commissioner for public examination and a copy of such rules and regulations shall be posted on the bulletin board of the main entrance of the City Hall for at least five days. Such rules and regulations shall have the force and effect of this Code and shall continue in effect until revoked by Council.

All other codes or ordinances of the City prescribing standards for the construction, operation, or maintenance of buildings or property are hereby specifically incorporated into this code as if their provisions were written herein, and the provisions or standards of such ordinances are applicable to this Code.

1327.081 WASTE CONTAINER LOCATION AND PICK UP

- (a) No waste container, waste or refuse shall be placed in front of any residence or on the tree lawn of any street by the owner, agent, lessee, or occupant of any building, before 12:00 noon on the day prior to the scheduled refuse collection date and after 7:00 p.m. on the day of the collection. (Ord. 109-1977. Passed 9-27-77)
- (b) Whoever violates this section is guilty of a minor misdemeanor.

1329.10 OTHER LEGAL ACTIONS

The imposition of any penalty shall not preclude the Law Director 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.

1329.11 PENALTY

Whoever violates any provision of this Code or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry under the conditions provided under this Code by the Building Commissioner and/or any inspector officially so designated by the Mayor, at a reasonable hour, and whoever interferes with, obstructs or hinders such Building Commissioner and/or any inspector officially so designated by the Mayor while attempting to make such inspection, for which no penalty is otherwise provided, is guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.

SECTION II: That any and all provisions of the Codified Ordinances of the City Twinsburg inconsistent herewith be and the same are hereby repealed.

SECTION III: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitation, those set forth in section 121.22 of the Ohio Revised Code.

SECTION IV: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

Robert L. McDermott, President of Council

Submitted to the Mayor for approval this
_____ day of _____, 2008

Approved by the Mayor _____, 2008

Katherine A. Procop, Mayor

ATTEST:

Marie K. Weaver
Clerk of Council

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: _____

Yes _____ No _____

CERTIFICATE OF POSTING

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2008.

Marie K. Weaver
Clerk of Council
City of Twinsburg