

CITY OF TWINSBURG, OHIO

ORDINANCE 39-2008

AN ORDINANCE CREATING CHAPTER 1327 OF THE
CODIFIED ORDINANCES OF THE CITY OF
TWINSBURG ESTABLISHING CERTIFICATE OF
AUTHORIZED OCCUPANCY

WHEREAS, Council has determined that legislation is necessary to set forth a certificate of authorized occupancy.

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

SECTION I: That Chapter 1327 of the Codified Ordinances of the City of Twinsburg shall hereby be established as follows:

CERTIFICATE OF AUTHORIZED OCCUPANCY

1327.01 CERTIFICATE OF OCCUPANCY REQUIRED

No person shall occupy and no owner, agent or person in charge of any dwelling structure shall permit a person to occupy a unit for rent or a multiple dwelling unless the Building Commissioner has issued the owner, agent or person in charge a certificate of occupancy for the rental unit.

1327.02 SINGLE FAMILY DWELLING UNITS

On and after January 1, 2008, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a single-family dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

1327.03 APPLICATION, INSPECTION AND ISSUANCE

- (a) **Application.** An application for a certificate of authorized occupancy required by the provisions of this chapter shall be made to the Building commissioner on forms supplied by him. The application shall be made annually by December 31 of the calendar year in writing by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. Such information shall include, but need not be limited to, the name, address and telephone number of the owner of the property, the name, address, and telephone number of the

agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the person living in the dwelling unit along with their telephone number and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be timely conveyed to the Building Commissioner to allow for updating of records. Immediately upon the receipt of such application, the Building Commissioner shall cause a general inspection of the premises to be made.

- (b) **Inspection.** The Building Commission shall inspect or cause to inspect the interior premises and exterior premises and property areas of the single-family dwelling used for rent or lease within thirty (30) days of the initial application and once every three years thereafter.
- (c) **Contents of Certificate.** Upon the completion of the inspection, the Building Commissioner shall issue a certificate of authorized occupancy for such premises that shall contain the following information:
 - 1. The street address or other identifying characteristics of the premises.
 - 2. The name and address of the owner and of the agent.
 - 3. The authorized use and occupancy of such premises.

(d) Certificate must be valid.

Such certificate shall be valid until a change or alteration of the premise, alter the authorized occupancy, or until there is a change in the ownership of the premises.

1327.04 FEES.

There shall be a fee of \$100.00 per unit for each certificate of authorized occupancy.

1327.05 TWO FAMILY DWELLING UNITS

On and after January 1, 2008, no owner, agent or person in charge of any dwelling Structure used or designed, or intended to be used, as a two (2) family dwelling, double house or multiple dwelling, shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

1327.06 CERTIFICATE OF AUTHORIZED OCCUPANCY REQUIRED

No person being the owner of any double house or two-family dwelling, shall occupy, rent or lease such premises or any part thereof, unless such owner holds a certificate of authorized occupancy issued by the Building Commissioner for such premises, which certificate has not expired, or otherwise become null and void. Such certificate shall be obtained on or before January 1, 2008, or before the owner enters into an agreement for the sale of such premises, whichever occurs sooner.

1327.07 APPLICATION, INSPECTION AND ISSUANCE

- (a) **Application.** An application for a certificate of authorized occupancy required by the provisions of this chapter shall be made to the Building Commissioner on forms supplied by him. The application shall be made annually by December 31 of the calendar year in writing by supplying necessary information to determine

compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. Such information shall include, but need not be limited to, the name, address and telephone number of the owner of the property, name, address and telephone number of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the persons living in each dwelling unit along with their telephone number and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be timely conveyed to the Building Commissioner to allow for updating of records. Immediately upon the receipt of such application, the Building Commission shall cause a general inspection of the premises to be made.

- (b) **Inspection.** The Building Commissioner shall inspect or cause to inspect the interior premises and exterior premises and property areas of the two family dwelling or double house within thirty (30) days of the initial application and once every three years thereafter except the interior of an owner occupied dwelling unit.
- (c) **Contents of Certificate.** Upon the completion of the inspection, the Building Commissioner shall issue a certificate of authorized occupancy for such premises that shall contain the following information:
 - 1. The street address or other identifying characteristics of the premises.
 - 2. The name and address of the owner and of the agent.
 - 3. The Authorized use and occupancy of such premises.
- (d) **Certificate must be valid.** Such certificate shall be valid until a change or alteration of the premises alter the authorized occupancy, or until there is a change in the ownership of the premises.

1327.08 FEES.

There shall be a fee of \$100.00 per unit for each certificate of authorized occupancy.

1327.09 SALE OF TWO FAMILY DWELLING OR DOUBLE HOUSE

Before an owner enters into an agreement for the sale of a two-family dwelling or a double house, he shall exhibit to the prospective purchaser of such premises a copy of the certificate of authorized occupancy for the premises being sold. As evidence of the owner's compliance with the requirements of this section, the owner shall obtain the signature of the prospective buyer or his agent, on the certificate of authorized occupancy for each premises, or on a copy thereof, in the space indicated on the certificate, together with the date of such signing.

1327.10 MULTIPLE DWELLINGS

As of January 1, 2008, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a multiple dwelling, shall rent or lease such structure or any part thereof for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked, or otherwise become null and void, or unless such structure or part thereof is licensed as a temporary rooming house.

1327.11 APPLICATION.

The application shall be made annually by December 31 of the calendar year in writing, 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. Such application shall be made on forms supplied by the Building Commissioner and shall be accompanied by the fee required by the provisions of this Code. The Building Commissioner may require the submission of an affidavit stating such information, and he may cause a general inspection of the structure or premises to be made.

1327.12 ISSUANCE.

If it is found that a building or other structure is in compliance with the provisions of this Code and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy valid until December 31 of the calendar year for which the certificate is issued. A certificate of occupancy for such building or structure that 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 agent 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 occupancy is issued.

1327.13 REVOCATION.

The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement is 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 Code, or if the owner, agent or person in charge of a structure refuses to comply with any provision of this Code required to be observed by him.

1327.14 POSTING OF CERTIFICATE.

The owner, agent or person in charge of every dwelling structure shall cause to be posted conspicuously at all times, at the main entrance of such structure, the certificate of occupancy hereinbefore required. Such certificate of occupancy shall be provided with a protective covering and shall be securely affixed to the wall.

1327.15 NEW OR REMODELED BUILDINGS.

The owner of a dwelling structure which will be completed or remodeled and available for occupancy subsequent to January 1 of any year and which requires a certificate of occupancy, shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until the certificate of occupancy has been issued. Failure to so apply will be deemed to be a violation of this Code and will subject the owner of the structure to the legal action and penalty prescribed herein.

1327.16 FEES.

An application for a certificate of occupancy shall be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00) for each dwelling unit.

1327.17 CHANGES, NEW CERTIFICATE REQUIRED.

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

1327.18 CHANGE IN OWNERSHIP.

In the event there is a change in ownership of record, the certificate of occupancy issued under the provisions of this Code to the former owner shall become null and void within thirty days of the recorded date of such change of ownership and the new owner must obtain a new certificate of occupancy. Application for such new certificate of occupancy shall be made not more than thirty days after such change in ownership has occurred, on forms supplied by the Building Commissioner. A fee of one hundred dollars (\$100.00) shall be paid upon application for each such new certificate. The new certificate shall expire on the same date as that of the certificate that it replaces.

1327.19 CHANGE IN USE OR OCCUPANCY.

Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Code unless such change has been approved by the proper City authorities pursuant to this Code, and unless a new certificate of occupancy, 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 provided in this Code.

1327.20 SALE OF MULTIPLE DWELLINGS.

Before an owner enters into an agreement for the sale of a multiple dwelling, he shall exhibit to the prospective buyer of such premises a copy of the certificate of occupancy for the premises being sold. As evidence of the owner's compliance with the requirements of this section, the owner shall obtain the signature of the prospective buyer or his agent, on the certificate of occupancy for such premises or on a copy thereof, in the space indicated on the certificate together with the date of such signing.

1327.99 PENALTY; EQUITABLE REMEDIES.

- (a) Violation Penalties: any person who shall violate a provision of this Code shall upon conviction thereof, be guilty of a third degree misdemeanor, and be subject to a fine of not more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed sixty (60) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) The application of the penalty provided in subsection (a) shall not be deemed to prevent the enforced removal of prohibited conditions of the application of any other equitable remedy.

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

PROPOSED
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