

INTRODUCED BY: Mark I. Wachter

ORDINANCE NO. 2009-138

AN ORDINANCE AMENDING ORDINANCE NO. 2007- 120 ESTABLISHING BCO CHAPTER 1391 RENTAL OCCUPANCY CERTIFICATE

WHEREAS, on October 19, 2009, Council enacted Ordinance No. 2009-118 establishing BCO Chapter 1393 to provide for the interior and exterior inspection of single family residential rental properties; and

WHEREAS, the Building Commissioner has requested the amendment of Ordinance No. 2007-120 adopting BCO Chapter 1391 Certificate of Rental Occupancy to reflect the recent adoption of BCO Chapter 1393 to provide for the interior and exterior inspection of single family residential rental properties.

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

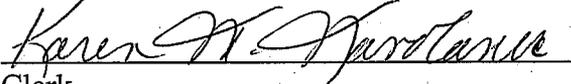
Section 1: Council hereby amends Ordinance No. 2007-120 as set forth in Exhibit A attached hereto, to reflect the recent adoption of BCO Chapter 1393, effective for all single family dwellings which are occupied as rental units on or after January 1, 2010. All single family dwellings which are used as rental units during calendar year 2010 shall register prior to the single family residential rental dwelling being rented or prior to the annual anniversary date. All single family residential rental dwellings will be subject to annual interior and exterior inspections.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

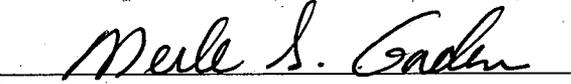
Section 3: This Ordinance is hereby declared immediately necessary for the public peace, health, safety, and welfare, and for the further reason that it is necessary to promptly establish and implement policies, procedures, and standards for single-family residential rental properties within the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 16th day of November, 2009, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 17th day of November, 2009.


Clerk

Approval: I have approved this legislation this 17th day of November, 2009, and filed it with the Clerk.


Mayor

CHAPTER 1391

CERTIFICATE OF RENTAL OCCUPANCY

- 1391.01 Certificate of Rental Occupancy.
- 1391.02 Frequency and schedule of inspection.
- 1391.03 Certificate of Rental Occupancy Upon Completion of Interior and Exterior Inspections.
- 1391.04 Forms, rules and regulations; appeals.
- 1391.99 Penalty.

1391.01 CERTIFICATE OF RENTAL OCCUPANCY.

- (a) (1) As used in this Chapter, "rental unit" means any single-family residential rental dwelling where either of the following conditions exists:
 - A. Consideration in the form of money or other valuable consideration is being paid for occupying such units; or
 - B. A person other than the fee simple owner of the property or his/her family as defined herein is occupying such unit, whether or not such person is paying consideration.
 - (2) The term "rental unit" does not include a room for rent in a hotel or motel as specified in Chapter 1131 of the Zoning Code.
 - (3) The term "family" for the purposes of this Chapter includes immediate family only; that is, the spouse, parents, grandparents, children, grandchildren, legal wards, and foster children of the owner or the owner's spouse.
 - (4) The term "single-family residential rental dwelling" for the purposes of this Chapter shall include a single-family structure.
- (b) No person shall occupy, and no owner or resident agent shall permit a person to occupy, a rental unit, unless the Building Commissioner has issued a Certificate of Rental Occupancy for such single-family residential rental dwelling structure, which certificate has not expired, been revoked or otherwise become null and void.
- (c) Every owner or operator of a single-family residential rental dwelling is a current rental unit, as defined in this Section, shall submit an application for a Certificate of Rental Occupancy. An application to renew a Certificate is required each year the rental property is occupied as a "rental unit". The application shall be submitted with a Five-Hundred Dollar (\$500.00) fee and shall be received by the City of Beachwood Building Department no later than the commencement of occupancy for a new rental unit and no later than the date one calendar year after the issuance date of the prior Certificate of Rental Occupancy for the renewal of an existing Certificate of Rental Occupancy. Upon any change in occupancy of a rental unit within the calendar year, a new application must be updated with current tenant information and returned to the City of Beachwood Building Department.

- (1) Application for a Certificate of Rental Occupancy shall be made 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 on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the following, as applicable:
 - A. The name, address and telephone number of the owner of the property;
 - B. The address of the property ;
 - C. The current name, address, business and/or home telephone number, and social security number (optional) of the persons who, since the last application, have been occupying the single family residential rental dwelling, and the address or other identification of the single family residential rental dwelling which they occupy;

- D. Whenever an address is required herein, a post office box number may not be provided as the sole address;
 - E. The familial relationship, if any, among the persons listed in subsection (c)(1)C. hereof;
 - F. The name of the head of the household of each single family residential rental unit;
 - G. A statement that the information is necessary for tax purposes; and
 - H. Such other information as may be requested on a voluntary basis.
- (2) The Building Commissioner shall issue a Certificate of Rental Occupancy for a structure or premises if it is found to be in substantial compliance with the provisions of the Fire, Health, Zoning, and Building Codes and all other laws, ordinances, rules and regulations applicable thereto.
 - (3) The Certificate of Rental Occupancy shall be valid for one (1) year from issuance date of said single family residential rental dwelling Certificate of Rental Occupancy at which time it will expire. At that time a completed new application and a non-refundable fee of Five Hundred Dollars (\$500.00) shall be submitted..
 - (4) The Building Commissioner may deny an application for a Certificate of Rental Occupancy or revoke a Certificate of Rental Occupancy if any false statement is made by the applicant in connection with the issuance of such Certificate, for substantial noncompliance of a structure or its use with the requirements of the Fire, Health, Zoning, or Building Codes, or if the owner, agent or person in charge of a structure fails to comply with any applicable provision of the Fire, Health, Zoning, or Building Codes.
- (d) (1) Every application for a Certificate of Rental Occupancy or a renewal thereof shall be accompanied by a nonrefundable fee of Five Hundred Dollars (\$500.00). The fee for reinstatement of a Certificate of Rental Occupancy after it has been revoked shall be Six Hundred Dollars (\$600.00).
 - (2) An application is considered complete only when all information required on the form is accurately, legibly and fully provided and when the fee is paid.
 - (3) The fee for an application for a Certificate of Rental Occupancy submitted after the rental unit is found to be occupied shall be Six Hundred Dollars (\$600.00). An application is considered submitted only when it is complete and no cause exists to deny the application, as defined in this Section. The fee for an application that was denied and is re-submitted shall be Six Hundred Dollars (\$600.00). If no application for a Certificate is submitted when required by this Chapter by the end of the calendar year for which the Certificate is required, the Building Commissioner shall charge the owner or operator Six Hundred Dollars (\$600.00).
 - (4) If the owner or operator fails to pay the fee for a Certificate within the calendar year for which the Certificate is required to be obtained, the Building Commissioner shall report the delinquency to the Director of Finance, who shall report the same to Council, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the property for which the Certificate is required, and cause the assessment to be certified to the County Auditor for collection.
- (e) The City shall reinstate a Certificate of Rental Occupancy that has been revoked when the owner has done all of the following:
 - (1) Submitted a new application for a Certificate as required in this Section;
 - (2) Paid the appropriate application fee and the reinstatement fee;
 - (3) Successfully completed any procedure required by the Building Commissioner, under the rules and regulations of the Building Department established as permitted in this Chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation.

1391.02 FREQUENCY AND SCHEDULE OF INTERIOR AND EXTERIOR INSPECTIONS.

(a) The Building Commissioner is hereby directed to conduct an interior and exterior inspection of all single family residential rental dwellings, as defined in Section 1391.01, in single-family dwelling structures at least once every year according to a schedule established by him/her. The Building Commissioner is further directed to conduct an interior and exterior inspection of a single family residential rental dwelling upon any change in occupancy of the rental unit. Pursuant to such schedule, the Building Commissioner shall notify the owner of any single family residential dwelling, as defined in Section 1391.01, 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. 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. If a scheduled inspection is cancelled by the owner, agent or occupant upon less than twenty-four (24) hours notice, a fee of One Hundred Dollars (\$100.00) shall be charged, which fee must be paid before any re-inspection will be scheduled.

1391.03 CERTIFICATE OF RENTAL OCCUPANCY UPON COMPLETION OF INTERIOR AND EXTERIOR INSPECTIONS.

Upon interior and exterior inspections of the single family residential rental dwelling structure, the Building Commissioner shall issue a Certificate of Rental Occupancy. Except in the case of immediate danger to the public health or safety, the Certificate of Rental Occupancy shall contain the order of the Building Commissioner for the correction of any code violations noted on the Certificate, which shall be corrected by the owner of the property within ninety (90) days of the issuance of the Certificate, unless for good cause shown, the Building Commissioner has extended the time for such completion.

1391.04 FORMS, RULES AND REGULATIONS; APPEALS.

The Building Commissioner is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter.

1391.99 PENALTY.

Any person who fails to comply with any provision of this chapter is guilty of a misdemeanor of the first degree.