

AN ORDINANCE AMENDING SECTION 1391.01, "CERTIFICATE OF RENTAL OCCUPANCY" OF THE CODIFIED ORDINANCES OF THE CITY OF BEACHWOOD, OHIO; CREATING SECTION 1391.011, "CERTIFICATE OF SHORT-TERM RENTAL OCCUPANCY"; AMENDING SECTION 1391.02, "FREQUENCY AND SCHEDULE OF INSPECTION,"; CREATING SECTION 1391.022, "FREQUENCY AND SCHEDULE OF INSPECTION FOR SHORT TERM RENTALS,"; CREATING SECTION 1329.14, "FEES FOR CERTIFICATE OF RENTAL OCCUPANCY AND CERTIFICATE OF SHORT-TERM RENTAL OCCUPANCY,"; AMENDING 1393.30, "FREQUENCY AND SCHEDULE OF INSPECTIONS,"; AND AMENDING SECTION 1393.32 "NONCOMPLIANCE WITH NOTICE; REMEDIES; CORRECTIONS REQUIRED PRIOR TO SALE, RENTAL OR LEASE"; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the creation of short-term rental companies, organizations, and businesses all over the world and in the City has led to a creation of a business model that allows individuals within the United States and the world to connect with short term renters through the use of websites, applications, and other models; and

WHEREAS, such a business model allows for increased income into the City, as well as an increase in tourism, the showcasing of residential areas of the City not commonly visited by guests, and the ability for residents to afford sustainable housing through renting properties; and

WHEREAS, the City and Council have received complaints, disputes, and issues regarding the use of residential rental units within the city that threaten the wellbeing, safety, and protection of the residents and property within the city; and

WHEREAS, Council desires to allow property owners to use their properties as they see fit in a manner that promotes public safety and the well-being of the residents of this City; and

WHEREAS, Council recognizes the need for regulation of residential rental units within the city in order to provide an effective, efficient, and timely system of communication and regulation regarding fire and safety, code enforcement, and law enforcement for the health, safety, and welfare of all residents of the City.

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

Section 1: Existing Section 1391.01 "CERTIFICATE OF RENTAL OCCUPANCY", of the Codified Ordinances of the City of Beachwood, Ohio, is hereby amended to read and provide, in its entirety, as follows with new language is in bold:

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 **30 or more consecutive calendar days**; 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 **for 30 or more consecutive calendar days**.

(2) As used in this chapter, “agent” means any person or persons eighteen years or older authorized by an owner to act on the owner’s behalf.

(3) 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.

(4) The term "family" for the purposes of this Chapter shall have the same meaning as in Section 1351.08(i).

(5) 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 that 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 **as established by City Council** 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 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; **and**
- ~~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~~
- E. Such other information as may be requested on a voluntary basis.

(2) The Owner, Manager, or Agent shall be present at appointment-based annual inspections of both the interior and exterior of the property and rental unit. Failure of attendance from the Owner, Manager, or Agent will result in a fee as established by City Council. Repeated failure of

attendance may result in the termination of the current Certificate of Rental Occupancy or denial of recertification of the property.

(3) 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.

(4) 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)~~ **as established by City Council** shall be submitted.

(5) 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 **as established by City Council**. The fee for reinstatement of a Certificate of Rental Occupancy after it has been revoked **shall also be as established by City Council**.

(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 **untimely** application for a Certificate of Rental Occupancy submitted after the rental unit is found to be occupied shall be **as established by City Council**. 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 **as established by City Council**. 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 a fee **as established by City Council**.

(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.

(5) Every applicant shall provide proof of insurance pertaining to the rental unit and name the City of Beachwood as an additionally named insured on this policy. A Certificate of Rental Occupancy for rental units shall not be issued to applicants who do not provide proof of insurance and name the City of Beachwood as an additionally named insured on the pertinent policy

(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, **and any fines accrued;**

(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.

Section 2: Creating Section 1391.011 "CERTIFICATE OF SHORT-TERM RENTAL OCCUPANCY", of the Codified Ordinances of the City of Beachwood, Ohio, with the language as follows in bold:

a) (1) As used in this chapter "short-term rental unit" means a dwelling unit, a portion of a dwelling unit, or any portion of property that is offered or held out to the public for rent on a hosting website, internet or mobile application, or any other means in which short term rentals are listed, advertised, solicited, or otherwise held out for rent through monetary or other means for a period of less than 30 consecutive calendar days.

(2) As used in this chapter, "agent" means any person or persons eighteen years or older authorized by an owner to act on the owner's behalf.

(3) The term "short term rental unit" does not include a room for rent in a hotel or motel as specified in Chapter 1131 of the Zoning Code.

(4) The term "short term rental unit" does not include residences with "Roomers" as defined in Section 1113.02(d) of the Zoning Code.

(5) The term "family" for the purposes of this Chapter shall have the same meaning as in Section 1351.08(i).

(6) 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 short-term rental unit, unless the Building Commissioner has issued a Certificate of Short-Term 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 residential rental dwelling that is a current short-term rental unit, as defined in this Section, shall submit an application for a Certificate of Short-Term Rental Occupancy. An application to renew a Certificate is required each year the rental property is occupied as a "short term rental unit." The application shall be submitted with a fee as established by City Council and shall be received by the City of Beachwood Building Department no later than the commencement of occupancy for a new short-term rental unit and no later than the date one calendar year after the issuance date of the prior Certificate of Short-Term Rental Occupancy for the renewal of an existing Certificate of Short-Term Rental Occupancy. Upon any change in occupancy of a short-term 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 Short-Term 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 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; and

E. Such other information as may be requested on a voluntary basis.

(2) The Owner, Manager, or Agent shall be present at appointment-based quarterly (trimestral) inspections including one (1) interior inspection and four (4) exterior inspections of the property and short-term rental unit. Failure of attendance from the Owner, Manager, or Agent will result in a fee as established by City Council. Repeated failure of attendance may result in the termination of the current Certificate of Short-Term Rental Occupancy or denial of recertification of the property.

(3) The Building Commissioner shall issue a Certificate of Short-Term 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.

(4) Any Owner who cannot respond to concerns of habitability, safety, functionality, or operation of a short-term rental unit within a reasonable period of time must retain and keep, at all times, an Agent or Manager responsible for the management and oversight of the property. The name, address, and telephone number of this individual or individual(s) responsible shall be provided to the Building Commissioner.

(5) The Certificate of Short-Term Rental Occupancy shall be valid for one (1) year from issuance date at which time it will expire. At that time a completed new application and a non-refundable fee as established by City Council for short-term rental units shall be submitted.

(6) The Building Commissioner may deny an application for a Certificate of Short-Term Rental Occupancy or revoke a Certificate of Short-Term 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 or if the Owner, Manager, or Agent has consecutively failed, neglected, or refused to comply with a notice to correct a nuisance or attend the inspections of the property.

(e) (1) Every application for a Certificate of Short-Term Rental Occupancy or a renewal thereof shall be accompanied by a nonrefundable fee as established by City Council. The fee for

reinstatement of a Certificate of Short-Term Rental Occupancy after it has been revoked is also that as established by City Council.

(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 untimely application for a Certificate of Short-Term Rental Occupancy submitted after the short-term rental unit is found to be occupied shall be as established by City Council. 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 is as established by City Council. 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 a fee as established by City Council.

(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.

(5) Every applicant shall provide proof of insurance pertaining to the short-term rental unit and name the City of Beachwood as an additionally named insured on this policy. A Certificate of Short-Term Rental Occupancy for short-term rental units shall not be issued to applicants who do not provide proof of insurance and name the City of Beachwood as an additionally named insured on the pertinent policy

(f) The City shall reinstate a Certificate of Short-Term 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, and any fines accrued;

(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.

Section 3: Existing Section 1391.02 "FREQUENCY AND SCHEDULE OF INSPECTION", of the Codified Ordinances of the City of Beachwood, Ohio, is hereby amended to read and provide, in its entirety, as follows with new language in bold:

The Building Commissioner is hereby directed to conduct an interior and exterior inspection of all single family residential rental **units**, 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 (30) 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 an administrative search warrant in accordance with the provisions set forth below. If a scheduled inspection is cancelled by the owner, agent or occupant upon less than twenty-four (24) hour notice, a fee of ~~One Hundred Dollars (\$100.00)~~ shall be charged **as established by City Council** shall be charged, which fee must be paid before any re-inspection will be scheduled.

(a) If the owner or agent, or an occupant thereof refuses or does not consent to the proposed inspection, the Building Commissioner may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the refusal or non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this chapter and Chapter 1393. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;
- (5) Violations apparent from City records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation;
- (9) Condition of similar properties in the area;
- (10) Documented violations on similar properties in the area;
- (11) Passage of time since last inspection; and
- (12) Previous violations on the property.

(b) If a warrant is issued, no owner or agent, or an occupant thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein by the Building Commissioner or his/her duly authorized designee for the purpose of conducting a rental inspection and examination pursuant to this chapter and Chapter 1393 and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the rental inspection shall not take place and no Certificate of Rental Occupancy shall be issued. No criminal penalty, or any penalty or fine under this chapter or Chapter 1393 shall attach, nor shall any Certificate of Rental Occupancy be denied, solely by reason of the owner's, agent's or occupant's refusal to consent to a full inspection.

(c) A Certificate of Rental Occupancy signed by the Building Commissioner shall be evidence that the premises complies with the requirements of this chapter and Chapter 1393 and all other applicable ordinances. If the inspection disclosed aspects of the property not in compliance, the Certificate of Rental Occupancy shall not be issued until the premises **are** brought into compliance with this chapter and Chapter 1393 and all other applicable ordinances.

If such structure as described above is determined to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of the application for the issuance or renewal of a Certificate of Rental Occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building

Commissioner to notify a tenant shall not preclude the enforcement of any provision of this chapter or Chapter 1393.

Section 4: Creating Section 1391.022 “FREQUENCY AND SCHEDULE OF INSPECTION FOR SHORT-TERM RENTALS” of the Codified Ordinances of the City of Beachwood, Ohio, with the language as follows:

The Building Commissioner is hereby directed to conduct one interior and four exterior inspections of all single family residential short-term rental units, as defined in Section 1391.011, in single-family dwelling structures according to a schedule established by him/her. Pursuant to such schedule, the Building Commissioner shall notify the owner of any single-family residential dwelling, as defined in Section 1391.011, to be inspected, or his agent, that arrangements must be made with the Building Department for an inspection appointment within thirty (30) 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 an administrative search warrant in accordance with the provisions set forth below. If a scheduled inspection is cancelled by the owner, agent or occupant upon less than twenty-four (24) hour notice, a fee as established by City Council shall be charged, which fee must be paid before any re-inspection will be scheduled.

(a) If the owner or agent, or an occupant thereof refuses or does not consent to the proposed inspection(s), the Building Commissioner may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the refusal or non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this chapter and Chapter 1393. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;
- (5) Violations apparent from City records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation;
- (9) Condition of similar properties in the area;
- (10) Documented violations on similar properties in the area;
- (11) Passage of time since last inspection; and
- (12) Previous violations on the property.

(b) If a warrant is issued, no owner or agent, or an occupant thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein by the Building Commissioner or his/her duly authorized designee for the purpose of conducting a rental inspection and

examination pursuant to this chapter and Chapter 1393 and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the rental inspection shall not take place and no Certificate of Short-Term Rental Occupancy shall be issued. No criminal penalty, or any penalty or fine under this chapter or Chapter 1393 shall attach, nor shall any Certificate of Short-Term Rental Occupancy be denied, solely by reason of the owner's, agent's or occupant's refusal to consent to a full inspection.

(c) A Certificate of Short-Term Rental Occupancy signed by the Building Commissioner shall be evidence that the premises complies with the requirements of this chapter and Chapter 1393 and all other applicable ordinances. If the inspection disclosed aspects of the property not in compliance, the Certificate of Short-Term Rental Occupancy shall not be issued until the premises are brought into compliance with this chapter and Chapter 1393 and all other applicable ordinances.

If such structure as described above is determined to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of the application for the issuance or renewal of a Certificate of Short-Term Rental Occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this chapter or Chapter 1393.

Section 5: Creating Section 1329.14 "FEES FOR CERTIFICATE OF RENTAL OCCUPANCY AND CERTIFICATE OF SHORT-TERM RENTAL OCCUPANCY," of the Codified Ordinances of the City of Beachwood, Ohio, with the new language as follows in bold:

In addition to any fee(s) provided in Chapter 1329, the following fee(s) shall be collected by the Building Commissioner:

(a)		Application for Certificate of Rental Occupancy; Renewal; Reinstatement; Resubmission	\$500.00
	(1)	Untimely Application for Certificate of Rental Occupancy	\$600.00
(b)		Application for Certificate of Short-Term Rental Occupancy; Renewal; Reinstatement; Resubmission	\$1,000.00
	(2)	Untimely Application for Certificate of Short-Term Rental Occupancy	\$1,100.00
(c)		Failure to Timely Notify of Cancellation or Appear at Scheduled Inspection	\$250.00

Section 6: Existing Section 1393.30 "FREQUENCY AND SCHEDULE OF INSPECTIONS", of the Codified Ordinances of the City of Beachwood, Ohio, is hereby amended to read and provide, in its entirety, as follows with new language in bold:

(1) The Building Commissioner is hereby directed to conduct inspections of **all single family residential rental units as defined in Section 1391.01** at least once every year according to a schedule established by his/her to determine compliance with this Chapter 1393. The Building Commissioner is further directed to conduct such inspections upon any change in occupancy of the rental unit. Pursuant to such schedule, the Building Commissioner shall notify the owner/agent of the rental unit to be inspected that arrangements must be made with the Building Department for an inspection appointment within thirty days of such notice. If the owner/agent or occupant refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his/her designated representative shall not make such inspection without first

obtaining an administrative search warrant in accordance with Section 1391.02. If a scheduled inspection is cancelled by the owner/agent or occupant upon less than twenty-four hours notice, a fee of ~~One Hundred Dollars (\$100)~~ **as established by City Council** shall be charged, which fee must be paid before any re-inspection is scheduled.

(2) The Building Commissioner is hereby directed to conduct one interior and four exterior inspections of all single family residential short-term rental units as defined in Section 1391.011 according to a schedule established by his/her to determine compliance with this Chapter 1393. The Building Commissioner is further directed to conduct such inspections upon any change in occupancy of the short-term rental unit. Pursuant to such schedule, the Building Commissioner shall notify the owner/agent of the short-term rental unit to be inspected that arrangements must be made with the Building Department for an inspection appointment within thirty days of such notice. If the owner/agent or occupant refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his/her designated representative shall not make such inspection without first obtaining an administrative search warrant in accordance with Section 1391.022. If a scheduled inspection is cancelled by the owner/agent or occupant upon less than twenty-four hours notice, a fee as established by City Council shall be charged, which fee must be paid before any re-inspection is scheduled.

Section 7: Existing Section 1393.32 “NONCOMPLIANCE WITH NOTICE; REMEDIES; CORRECTIONS REQUIRED PRIOR TO SALE, RENTAL OR LEASE; **OPERATION WITHOUT A PERMIT**”, of the Codified Ordinances of the City of Beachwood, Ohio, be and the same is hereby amended to read and provide, in its entirety, with the new language in title above and as follows in bold:

(a) Whenever the owner/agent of a rental unit **as defined in Section 1391.01, or short-term rental unit as defined in Section 1391.011**, fails, neglects, or refuses to comply with any notice of the Building Commissioner, the Building Commissioner may either issue a notice to vacate within such time as is stated in such notice, but which shall not be less than fifteen days, except in cases of emergency, or he/she may advise the Director of Law of the circumstances and request the Director to institute an appropriate action at law to compel compliance, or both.

(b) If the premise or structure of a rental unit or short-term rental unit is found or declared to be a nuisance, the owner or operator’s permit shall be revoked for a minimum period of one year (365 days) or longer at the discretion of the Building Commissioner if found to be a repeat offender.

(c) Whenever the owner/agent of a short-term rental unit fails, neglects, or refuses to comply with a notice to vacate or correct a nuisance, the Building Commissioner may elect to include such failures in consideration for not recertifying the property.

(d) Whenever the owner/agent of a rental unit **or short-term rental unit** fails, neglects, or refuses to comply with a notice to demolish any structure, or a part thereof, or a secondary or appurtenant structure, and when such structure is determined by the Building Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety, or welfare, or built without a permit and/or built in violation of any law, the Building Commissioner may request the Director of Law to institute legal proceedings or to take such other action as may be necessary to abate the nuisance or violation.

(e) The owner of any such property to which such an order or notice to repair, improve, remove, demolish or vacate has been issued shall not sell, rent, or lease such property, or enter into an agreement to sell, rent or lease such property, unless all violations cited against such property have

been corrected and unless written approval of such corrections has been received by the property owner from the Building Commissioner.

Section 8: Any other Ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all Ordinances not amended by this Ordinance shall remain in full force and effect.

Section 9: 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 Codified Ordinances of the City.

Section 10: This Ordinance is declared to be an urgent measure immediately necessary for the preservation of the public peace, health, or safety, or the efficient operation of the City, and for the further reason that it is necessary to implement the updated language at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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 3rd day of October, 2022, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 4th day of October, 2022.



Clerk

Approval: I have approved this legislation this and filed it with the Clerk.



Mayor