

**ORDINANCE NO. 5836-19**

**AN ORDINANCE ADDING CHAPTER 1341 TO THE CODIFIED ORDINANCES OF THE CITY OF WILLARD, OHIO, REGARDING RESIDENTIAL RENTAL HOUSING REGISTRATION**

**WHEREAS**, the Council of the City of Willard desires to require registration for residential rental housing in order to regulate housing conditions for the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLARD, OHIO:**

**Section 1.** That Chapter 1341 be and hereby is added to the Codified Ordinances of the City of Willard to read as follows:

**CHAPTER 1341  
RESIDENTIAL RENTAL HOUSING REGISTRATION**

**1341.01 PURPOSE.**

- (a) The purposes of this chapter are to ensure life safety and property maintenance standards are maintained by establishing residential rental housing registration; to impose certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the interior and exterior inspection of rental housing properties; to provide for the issuance of a rental housing registration; to establish a fee schedule and to fix penalties for violations of this chapter.
- (b) No owner, agent or person in charge of any rental dwelling unit, which is used, or designed, or intended to be used, as a single or multiple dwelling, shall rent, lease, or provide for other compensation including work, such structure or any part thereof for residential occupancy unless the owner thereof obtains a rental housing registration issued by the designated City official for such structure.
- (c) This Chapter does not apply to licensed rest homes, convalescent care facilities, licensed group homes, nursing homes, hotels, motels, or single-family owner-occupied properties being sold land contract.

**1341.02 DEFINITIONS.**

As used in this chapter:

- (a) **DESIGNATED CITY OFFICIAL:** Means the City Manager of the City and/or his or her designee(s).
- (b) **DWELLING:** Means any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired

out to be occupied, or that is occupied for living purposes.

- (d) **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.
- (e) **OWNER:** Means the person 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, a buyer under contract for deed; a mortgagee, receiver, executor, trustee, or person(s) in control of real property.
- (f) **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.
- (g) **PROPERTY MANAGER:** Means a person other than the owner that has managing control of a rental unit.
- (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, duplex, triplex, condominium, townhouse, or any dwelling unit intended for occupancy where either money, work, or other valuable consideration is paid for occupancy of such unit, or a person, not the record owner, is occupying the unit, whether or not such person pays money or other valuable considerations therefor.
- (j) **TENANT:** Means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the owner or property manager.

### **1341.03 RENTAL REGISTRATION REQUIREMENTS AND FEES.**

- (a) Each owner of a rental unit within the City shall register each rental unit with the Public Works Office within 30 days of the effective date of this chapter and shall renew such registration annually by January 1. Each new owner of a rental unit within the City shall make application for registration with the designated City official within 30 days after the date of acquiring ownership of a rental unit.
  - (1) A separate registration shall be required for each rental unit.
  - (2) Each application for rental registration shall be accompanied by a nonrefundable fee of fifty dollars (\$50.00) for the first rental unit and thirty-five dollars (\$35.00) for each additional rental unit after the first.
  - (3) If an owner fails to register a rental unit by January 31 or within 30 days of acquiring a rental unit, the registration fee shall be doubled per unit.

- (4) Only for the registration year 2020, any persons obligated to pay under this section will be given until April 1, 2020 to pay the full amount due. Thereafter all payments shall be due and owing on January 1st of each year thereafter.
- (b) Application for rental registration shall be made upon a form provided by the Public Works Office for such purpose.
- (c) After receiving the application and fee, the City official will issue a rental housing registration.
- (d) A rental housing registration shall expire on December 31 of each year.
- (e) Registration is not assignable or transferable and shall be reapplied for with each change in ownership or transfer of title.

#### **1341.04 RENTAL REGISTRATION RENEWAL.**

- (a) The owner of the rental unit shall renew the registration of a rental unit on or before January 1 of each year. At the time of renewal, on a form prescribed by the City, the owner shall supplement the information provided to reflect any changes. The renewal shall be received by January 1, and the fee for said renewal shall be fifty dollars (\$50) for the first rental unit and thirty-five dollars (\$35.00) for each additional rental unit after the first. Any renewal fee received after January 31 shall be assessed an additional late fee of thirty-five dollars (\$35.00) per unit.
- (b) If there are any changes from the original application (i.e. change in occupancy), a new application with updated information shall be turned in within 30 days at no additional cost.

#### **1341.05 INSPECTION REQUIREMENTS.**

- (a) The designated City official is hereby authorized and directed to make or cause to be made an exterior inspection to determine the condition of the dwelling(s), occupiable structures and premises located within the City. An inspection in this manner shall occur at a minimum of once every two years.
- (b) The designated City official is hereby authorized and directed to make or cause to be made inspections inside a dwelling unit to determine the condition of the dwelling(s), occupiable structures and premises located within the City.

Inspections inside a dwelling unit shall occur whenever the designated City official receives a written complaint from an occupant detailing alleged deficiencies. Property owners shall be given a minimum of 48-hour notice of said inspections unless the issue is one that makes the rental unit unsafe for human occupancy.

- (c) Upon presentation of proper credentials, the designated City official may enter, with the permission of the occupant, at reasonable times or at such other times as may be necessary in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on him or her by the code, provided, however, that if the

occupant refuses permission to enter, no entry shall be made without first obtaining a warrant.

#### **1341.06 NOTICE OF VIOLATION AND FEES.**

- (a) Upon inspection, whenever the designated City official determines that there has been a violation of the Code, notice shall be given to the owner.
- (b) Form. Such notice prescribed in subsection (a) hereof shall:
  - (1) Be in writing;
  - (2) Include a description of the real estate sufficient for identification;
  - (3) Include a statement of the reason or reasons why the notice is being issued; and
  - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is delivered to the owner or property manager personally; or sent by proof of mailing addressed to the owner at the address listed by the Huron County Auditor's tax lists with return receipt requested.
- (d) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the designated City official and shall furnish to the designated City official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
- (e) Fees. No fees shall be charged for an initial inspection. If upon a re-inspection the City's designated official determines that a correction order has not be satisfactorily resolved in the time frame specified, a fee shall be charged to the property owner of:
  - (1) For a first offense, a fee of twenty-five dollars (\$25.00) for one violation and \$50.00 for two or more violations.
  - (2) For a second offense for the same violation(s) within a year, a fee of fifty dollars (\$50.00) for one violation and one hundred dollars (\$100.00) for two or more violations.
  - (3) For a third offense, and each offense thereafter, for the same violation(s)

within a year, a fee of two hundred and fifty dollars (\$250.00) for one or more violations.

- (f) Fees must be paid within 30 days of issuance.
- (g) City's Remedy for Fees levied and Not Paid. The Finance Director shall make a written return to the County Auditor of the City's action under paragraph (e) hereof with a statement fees and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of the entry and be collected as other taxes and returned to the City's General Fund.
- (h) Failure to comply with health and life safety violations within a reasonable time shall result in the removal of the rental housing registration.

#### **1341.07 APPEALS.**

- (a) Application for Appeal. Any person affected by a decision of the designated City official or a notice or order issued under this Code shall have the right to appeal to the Building and Zoning Board of Appeals, provided that a written application for appeal is filed within twenty days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.
- (b) Notice of Meeting. The Building and Zoning Board of Appeals shall meet upon notice from the chairperson, within ten days of receiving an appeal, or at stated periodic meetings.
- (c) Open Hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the designated City official, and any person whose interests are affected, shall be given an opportunity to be heard.
- (d) Board Decision. The Board shall recommend that the City Council either modify or reverse the decision of the designated City official.
- (e) Court Review. Any person affected by a recommendation of the Building and Zoning Board of Appeals and decision of Council shall have the right, under the Ohio Revised Code, to appeal the decision to the Court of Common Pleas, Huron County, Ohio.
- (f) Fees. A fee as established by Council shall be paid to the Director of Finance at the time a notice of appeal is filed. All fees shall be credited to the General Fund.

#### **1341.08 LIABILITY.**

The issuance of a rental housing registration does not guarantee compliance with the Public Utilities and Service Code, Building Code, and Planning and Zoning Code, nor does the designated City official accept any liability for noncompliance with this chapter.

**1341.09 REVIEW**

On or before November 1, 2022, and every subsequent 2 years while this legislation in place, the City Manager or their designee shall review this program and provide a report to City Council regarding the program's impact and effectiveness. At this time, they shall make a recommendation to continue, modify, or end this program.

**1341.99 PENALTIES.**

Criminal Penalties. Any person, occupant, operator, owner or purchaser who violates or fails to comply with any of the provisions of this Code shall, upon conviction thereof, be guilty of a minor misdemeanor and shall be subject to a fine of not more than one hundred dollars (\$100.00) per violation. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

**Section 2.** That this ordinance shall become effective from and after the earliest date allowed by law.

Passed: \_\_\_\_\_, 2019

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved as to Form:

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Law Director