

**ORDINANCE 2019-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE RATIFICATION OF A RENTAL OCCUPANCY INSPECTION PROGRAM IN THE CITY OF LOVELAND, OHIO AND AMENDING CODIFIED ORDINANCE PART - THIRTEEN: BUILDING CODE.**

**WHEREAS**, the City Council of the City of Loveland, Ohio (the “City”) has established specific goals to support the completion of its 2018 Work Plan; and

**WHEREAS**, the City Council’s 2018 – 2019 Work Plan Goal #3 expresses a desire for the establishment of an open multimodal communication with our residential and business communities to maintain service levels that are commensurate with the requirements of a growing community; and

**WHEREAS**, the City supports the health, safety, and wellness of people at all properties, and;

**WHEREAS**, the City supports the protection of all property values; and

**WHEREAS**, the City has observed an increase in code and property maintenance violations on non-owner/rental occupied units; and

**WHEREAS**, the City Council has determined that a majority of properties that have a pattern and practice of external building violations also have serious internal violations that contribute to unsafe living conditions; and

**WHEREAS**, the City Council is concerned about minimizing the diversion of limited tax dollar resources to nuisance properties; and

**WHEREAS**, the Laws and Ordinances Committee has reviewed the ordinance in their meetings held on December 5, 2018, January 2, 2019, and February 6, 2019 and has found favorable recommendation to the City Council.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City Loveland, Hamilton, Clermont, and Warren Counties, State of Ohio, that:

**Section 1.** The Council adopts this Rental Occupancy Inspection Ordinance, which shall be Chapter 1330 of the City of Loveland, Ohio Code of Ordinances, as set forth in Exhibit A, which is incorporated herein by reference.

**Section 2.** The Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3.** This ordinance shall take effect from and after the earliest time allowed by law.

## EXHIBIT “A”

### CHAPTER 1330 Rental Occupancy Inspection

1330.01 Purpose and Duration	1330.07 Violations, Fines, and Liens
1330.02 Definitions	1330.08 Notices
1330.03 Administration of Ordinance	1330.09 Property Transfer
1330.04 Registration Required	1330.10 Immunity
1330.05 Registration Renewal	1330.11 Appeals
1330.06 Inspections	

#### **1330.01 - PURPOSE AND DURATION.**

The rental occupancy registration imposed by this ordinance is for the purpose of providing such regulation as may be required for administering the health, safety, and welfare of the community. Each registration shall be issued for one year and shall expire pursuant to the City of Loveland, Ohio Code of Ordinances Part – One: Administrative Code Section 184.23(a): Informational Reports by Landlords, Condominium Associations, and Other Organizations, unless otherwise provided herein.

#### **1330.02 – DEFINITIONS.**

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

“CITY” means The City of Loveland, Ohio.

“DWELLING UNIT” means one or more rooms which are arranged, designed, or occupied as living quarters for a person or family as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas. Publicly accessible space separates a dwelling unit from any other dwelling unit. No doorway or perforated wall, or other passable opening exists between dwelling units.

“FIRE DEPARTMENT” means The Loveland/Symmes Fire Department; a co-official who is charged with the administration and enforcement of this code.

“NON-HABITABLE SPACE” means space in a structure that is unsafe or unsuitable for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar spaces are considered non-habitable spaces.

“OPERATOR” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“OWNER” means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“PROPERTY MAINTENANCE INSPECTOR” means the co-official who is charged with the administration and enforcement of this code.

“REGISTRATION” means the act of formally securing an official entry into a record.

“ROOMING UNIT” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

“TENANT” means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

### **1330.03 – ADMINISTRATION OF ORDINANCE.**

The Fire Department and Property Maintenance Inspector shall administer the provisions of this ordinance: including, the City of Loveland’s Codified Ordinances Part - Eleven: Planning and Zoning Code; Part - Thirteen: Building Code; Part - Fifteen: Fire Prevention Code; and/or the International Property Maintenance Code; administer, collect, and record registrations; make or initiate investigations and inspections to ensure compliance with safety regulations; issue and collect fees; produce forms; make reasonable regulations relating to the administration of this ordinance; and perform such other duties as may be duly assigned.

### **1330.04 – REGISTRATION REQUIRED.**

Owners and/or Operators of a dwelling unit, rooming unit, and/or non-habitable space(s) within a structure(s) not occupied by the owner within the City of Loveland city limits shall be required to register their unit(s) with the City, and the corresponding county where the property resides, by filing a written report to the City, and the corresponding county where the property resides, disclosing the name(s), address(es), and telephone number(s) of each tenant known to be in occupancy pursuant to the City of Loveland, Ohio Code of Ordinances Part – One: Administrative Code Section 184.23: Informational Reports by Landlords, Condominium Associations, and Other Organizations.

### **1330.05 – REGISTRATION RENEWAL.**

In accordance with the City of Loveland, Ohio Code of Ordinances Part – One: Administrative Code Section 184.23: Informational Reports by Landlords, Condominium Associations, and Other Organizations, owners and/or Operators shall be required to annually renew their registration to include information regarding changes in occupancy.

### **1330.06 – INSPECTIONS.**

Upon completion of registration, the Fire Department and/or Property Maintenance Inspector shall conduct an inspection of the dwelling(s) and/or property in accordance with the City of Loveland, Ohio Code of Ordinances; Ohio Revised Code Section 5321: Landlords and Tenant, and Section 5323: Residential Rental Property; and the Ohio Fire Code.

A dwelling unit, rooming unit, and/or non-habitable structure(s) exceeding sixty (60) days of vacancy shall be subject to an inspection annually, but in no event less than every twenty-four (24) months from a previous inspection as determined by the Fire Department and/or Property Maintenance Inspector.

### **1330.07 – VIOLATIONS, FINES, AND LIENS.**

Violations of the provisions of this ordinance and the City of Loveland, Ohio Codified Ordinances Part - Eleven: Planning and Zoning Code; Part Thirteen: Building Code; Part - Fifteen: Fire Prevention Code; and/or the International Property Maintenance Code that have not been addressed, according to the authority having jurisdiction, resulting in a second inspection shall be assessed an individual fine for each re-inspection in accordance with the City of Loveland, Ohio Code of Ordinances Section 111: Schedule of Fees, Fines and Other Charges.

In the event that external or internal violation(s) are not immediately corrected according to the authority having jurisdiction, the Fire Department and/or the Property Maintenance Inspector may file liens against the property.

### **1330.08 – NOTICES.**

A notice setting forth the powers, duties, and responsibilities of the Fire Department and/or the Property Maintenance Inspector shall be provided to the property owner at the time of any inspection. The Fire Department and/or the Property Maintenance Inspector shall provide the property owner with a list of code issues and conditions for compliance. The City may, but shall not be required to, mail written notices that re-inspection fines are due.

### **1330.9 – PROPERTY TRANSFER.**

In the event a property is sold having uncorrected violations and/or liens, the seller(s) shall be required to notify the City of the purchase date and the name(s) and address(es) of the buyer(s).

Any transfer of property does not waive any uncorrected violation and/or liens.

#### **1330.10 – IMMUNITY.**

The Fire Department shall have immunity from prosecution and civil suit while performing normal course of duties.

The City shall be immune from prosecution or civil suit through the implementation of said inspections. Furthermore, the City does not warrant or guarantee the status of the inspected properties.

#### **1330.11 – APPEALS.**

A rental property owner directly affected by a decision of the Fire Department under this ordinance shall have the right to appeal to the State of Ohio Fire Marshall's Office, provided that a written application for appeal is filed within 20 days after the day the decision, or notice was served.

A rental property owner directly affected by a decision of the Property Maintenance Inspector under this ordinance shall have the right to appeal to the Board of Building and Zoning Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, or notice was served.