

CITY OF BROOK PARK, OHIO

P/C 12/11/18 Legislative
Caucus 12/11/18
1st R 1/22/19
2nd R
3rd R
B/C
Caucus 1/15/19

ORDINANCE NO: 11059-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING CHAPTER 1414
OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED
'RESIDENTIAL RENTAL HOUSING REGISTRATION,'
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Chapter 1414 of the Brook Park Codified Ordinances, passed by Ordinance No. 9897-2014, passed April 5, 2014 and reading as follows:

1414 RESIDENTIAL RENTAL HOUSING REGISTRATION

1414.01 PURPOSE.

The purposes of this chapter are to protect the public health, safety and welfare 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 license; to establish a fee schedule for inspection and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

1414.02 DEFINITIONS.

As used in this Chapter:

(a) DESIGNATED CITY OFFICIAL: Means the Building Commissioner of the City of Brook Park, Ohio and/or his/her designee.

(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.

(c) 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.

(d) 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, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(e) 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.

(f) PROPERTY MANAGER: Means a person other than the owner that has managing control of a rental unit.

(g) 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.

(h) RENTAL UNIT: Means any dwelling unit; or any rented room within a single family or two family dwelling, duplex, condominium or townhouse where either money 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 therefore.

(i) TENANT: Means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the landlord.

1414.03 RENTAL REGISTRATION REQUIREMENTS AND FEES.

(a) Each owner of a rental unit within the City shall register each such rental unit with the designated City official within 30 days of the effective date of this Ordinance and shall renew such registration annually. 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. A separate registration shall be required for each rental unit.

1. Each application for rental registration shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00) per rental unit with a maximum fee for rental units of two thousand dollars (\$2,000.00).
2. If an owner fails to timely register a rental unit, the registration fee shall be tripled per unit. The owner shall also be subject to the penalty provisions as set forth below.

(b) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall indicate at least the following information:

1. Owner's name, address, and work and home telephone number. No post office boxes will be accepted. A state of Ohio photo identification will be required for identification purposes only;
2. If owner is a partnership, the name and address of all partners, the principal business address, and telephone number of each partner;
3. If owner is a corporation, the person registering must state whether it is organized under the laws of this State or is a foreign corporation, and must show the mailing address (No Post Office boxes), business location, telephone number, name and address of the person in charge of the local office of such corporation, if any, and the names and addresses of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
4. Name, address, and telephone number of the property manager, if applicable; (No Post Office boxes)
5. Street address of the rental unit;
6. Number of person(s) occupying the rental unit;
7. Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
8. Signature of the owner or owner's agent; and
9. Signature of the primary or principal tenant.

(c) The designated City official shall cause a general inspection of the rental unit. After the inspection the City Official will either issue a certificate of registration or provide notification to the owner that the application does not comply with the requirement or that the rental unit does not comply with building and maintenance code requirements.

(d) A certificate of registration shall expire on March 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.

(f) Nothing in this chapter shall be construed to proscribe and/or eliminate any requirements in Chapter 1323 of the Codified Ordinances, entitled "Certificate of Occupancy" from being fulfilled.

1414.04 RENTAL REGISTRATION RENEWAL.

(a) The owner of the rental unit shall renew the registration of a rental unit on or before March 1st of each year. At the time of renewal, on a form prescribed by the Building Commissioner, the owner shall supplement the information provided to reflect any changes in tenants or otherwise from the initial application. The renewal shall be received by March 1st, and the fee for said renewal shall be one hundred dollars (\$100.00) per unit. Any renewal fee received after March 1st shall be assessed a late fee of three hundred dollars (\$300.00) per unit.

(b) If there are any changes from the original application, the registration becomes null and void and the owner of the rental unit shall be required to register for a new application.

1414.05 INSPECTION REQUIREMENTS.

(a) The designated City official shall be authorized to make or cause to be made inspections once every year. In order to verify and ensure compliance with building and maintenance code requirements such inspections may also be made whenever the designated City official has reasonable cause to believe that any violations of this code exists therein or thereon.

1414.06 VOIDING REGISTRATIONS.

Any rental registration shall be null and void if:

(a) The rental unit for which the registration was granted and the use to which it is put does not comply in all respects with this code and with all other applicable laws and ordinances;

(b) Any false statement or representation has been made by the applicant or owner in connection with the application or issuance of the rental registration;

(c) The owner of the registration does anything prohibited by this code or by any other law or ordinance relating to such building or its use; or

(d) An owner or tenant fails to allow and cooperate with the designated City official conducting inspections as set forth herein.

1414.07 RULES AND REGULATIONS.

The Building Commissioner shall have the power to adopt rules and regulations not inconsistent with the terms of this Chapter for carrying out and enforcing the payment, collection and remittance of the fee herein levied, and the enforcement of the registration and inspection process. Copies of which rules and regulations shall be made available in the office of the Building Commissioner. The Building Commissioner shall have the authority to amend the rules and regulations of the rental registration. Such amendments to the rental registration shall be given by public notice 30 days prior to the effective date of change.

1414.08 ECONOMIC DEVELOPMENT FUND.

Revenues collected from rental registration fees shall be placed in the Economic Development Fund.

1414.99 PENALTIES.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances. A separate violation shall be committed for each rental unit not properly registered, even if owned by one owner.

is hereby amended to read:

1414 RESIDENTIAL RENTAL HOUSING REGISTRATION

1414.01 PURPOSE.

The purposes of this chapter are to protect the public health, safety and welfare by establishing residential rental housing registration, to impose certain responsibilities and duties upon owners and operators; to authorize and establish procedures for the exterior inspection of rental housing properties; to provide for the issuance of a rental license; to establish a fee schedule for inspection and to fix penalties for violations of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

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(c) 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.

(d) 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, holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of leasehold estate or a tenancy for initial term of less than five years.

(e) 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.

(f) PROPERTY MANAGER: Means a person other than the owner that has managing control of a rental unit.

(g) 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.

(h) RENTAL UNIT: Means any dwelling unit; or any rented room within a single family or two family dwelling, duplex, condominium or townhouse where either money 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 therefore.

(i) TENANT: Means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the landlord.

(j) INSPECTION: The scope of the inspection shall be limited to such areas as are in plain view.

1414.03 RENTAL REGISTRATION REQUIREMENTS AND FEES.

(a) Each owner of a rental unit within the City shall register each such rental unit with the designated City official within 30 days of the effective date of this Ordinance and shall renew such registration annually. 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. A separate registration shall be required for each rental unit.

1. Each application for rental registration shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00) per rental unit with a maximum fee for rental units of two thousand dollars (\$2,000.00).
2. If an owner fails to timely register a rental unit, the registration fee shall be tripled per unit. The owner shall also be subject to the penalty provisions as set

forth below.

(b) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall indicate at least the following information:

1. Owner's name, address, and work and home telephone number. No post office boxes will be accepted. A state of Ohio photo identification will be required for identification purposes only;
2. If owner is a partnership, the name and address of all partners, the principal business address, and telephone number of each partner;
3. If owner is a corporation, the person registering must state whether it is organized under the laws of this State or is a foreign corporation, and must show the mailing address (No Post Office boxes), business location, telephone number, name and address of the person in charge of the local office of such corporation, if any, and the names and addresses of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
4. Name, address, and telephone number of the property manager, if applicable; (No Post Office boxes)
5. Street address of the rental unit;
6. Number of person(s) occupying the rental unit;
7. Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
8. Signature of the owner or owner's agent; and
9. Signature of the primary or principal tenant.

(c) The designated City official shall cause a general exterior inspection of the rental unit. After the inspection the City Official will either issue a certificate of registration or provide notification to the owner that the application does not comply with the requirement or that the rental unit does not comply with building and maintenance code requirements.

(d) A certificate of registration shall expire on March 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.

(f) Nothing in this chapter shall be construed to proscribe and/or eliminate any requirements in Chapter 1323 of the Codified Ordinances, entitled "Certificate of Occupancy" from being fulfilled.

1414.04 RENTAL REGISTRATION RENEWAL.

(a) The owner of the rental unit shall renew the registration of a rental unit on or before March 1st of each year. At the time of renewal, on a form prescribed by the Building Commissioner, the owner shall supplement the information provided to reflect any changes in tenants or otherwise from the initial application. The renewal shall be received by March 1st, and the fee for said renewal shall be one hundred dollars (\$100.00) per unit. Any renewal fee received after March 1st shall be assessed a late fee of three hundred dollars (\$300.00) per unit.

(b) If there are any changes from the original application, the registration becomes null and void and the owner of the rental unit shall be required to register for a new application.

1414.05 INSPECTION REQUIREMENTS.

(a) The designated City official shall be authorized to make or cause to be made inspections once every year. In order to verify and ensure compliance with the property maintenance code requirements such inspections may also be made whenever the designated City official has reasonable cause to believe that any violations of this code exists therein or thereon.

1414.06 VOIDING REGISTRATIONS.

Any rental registration shall be null and void if:

(a) The rental unit for which the registration was granted and the use to which it is put does not comply in all respects with this code and with all other applicable laws and ordinances;

(b) Any false statement or representation has been made by the applicant or owner in connection with the application or issuance of the rental registration;

(c) The owner of the registration does anything prohibited by this code or by any other law or ordinance relating to such building or its use; or

1414.07 RULES AND REGULATIONS.

The Building Commissioner shall have the power to adopt rules and regulations not inconsistent with the terms of this Chapter for carrying out and enforcing the payment, collection and remittance of the fee herein levied, and the enforcement of the registration and inspection process. Copies of which rules and regulations shall be made available in the office of the Building Commissioner. The

Building Commissioner shall have the authority to amend the rules and regulations of the rental registration. Such amendments to the rental registration shall be given by public notice 30 days prior to the effective date of change.

1414.08 ECONOMIC DEVELOPMENT FUND.

Revenues collected from rental registration fees shall be placed in the Economic Development Fund.

1414.100 PENALTIES.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances. A separate violation shall be committed for each rental unit not properly registered, even if owned by one owner.

SECTION 2: Former Section 1414 of the Brook Park Codified Ordinance as passed by 9897-2014, passed April 5, 2014 is hereby expressly repealed.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to enact Chapter 1414 of the Park Codified Ordinances; therefore provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: January 22, 2019

Mike R. Vukobratovic
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

CERTIFICATE
Michelle Blazak, Clerk of Council for the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11059-2019 passed on the 22 day of January, 2019 by said council.
Michelle Blazak
Clerk of Council

DATE: 1-22-19
I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing January 23, 2019
by Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

Yes	Abstain	May
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- Sferim
- Mencini
- Oreutt
- Scott
- Burgio
- Peinexter
- Salvatore