

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 4-15-2014  
FINAL ACTION DATE: 4-15-2014

WAIVE RULES?  YES  NO  
VOTE:  YES  NO

SUSPENSION OF TWO READING RULE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>6</u>	<u>0</u>

DENISE LINGO  
 JAMES WOLF  
 JENNIFER MOODY  
 GERALDINE BRANDY  
 ROBERT PARSONS  
 JEANNE GEORGE  
 JUDY PETERSEN  
 TOTALS

ADOPTION OF ORDINANCE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>6</u>	<u>0</u>

ORDINANCE NO. 14-1701

**AN ORDINANCE ESTABLISHING A RENTAL PERMIT PROGRAM FOR SINGLE FAMILY RENTAL UNITS LOCATED WITHIN THE CITY OF MT. HEALTHY**

**WHEREAS**, the Mt. Healthy City Council in order to promote the public health, safety and welfare, has recognized the need to preserve and promote the quality of existing housing and to provide for safe and sanitary housing conditions for residential tenants.

**NOW THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

**Section 1.** After the effective date of this Ordinance, owners of single family dwelling rental units (Rental Units) will be required to obtain a permit for all new tenants before they are permitted to occupy the Rental Units. Rental Units occupied at the time of the adoption of this Ordinance may continue to be occupied provided the Owner applies for a permit within thirty (30) days of the effective date of this Ordinance. The Owner of the unit(s) will be required to certify that the property complies with the City of Mt. Healthy Property Maintenance Code prior to a permit being issued. Rental Units may be subject to an initial inspection by the Mt. Healthy Building Department Staff, in accordance with Section 1E below.

**A. Notification Process.**

After the effective date of this Ordinance, owners of single family Rental Units will be notified by mail, announcements made in local newspapers, and a notification with printable forms required for registration will be posted on the city website.

**B. Application Process.**

Owners of single family Rental Units shall apply for a Rental Permit by filing a written application on forms provided by the Mt. Healthy Building Department. Applicants will be required to fill out the same rental property registration form that is required by the State of

Ohio and Hamilton County (a copy of which is attached to this Ordinance) and return the completed form to the City of Mt. Healthy Building Department. A copy of this form will also be forwarded to the Hamilton County Auditor's Office.

The application shall include a section for the property owner to list all of the tenants living at each Rental Unit. The application also shall include a copy of the City of Mt. Healthy Rental Inspection Form. By signing the application, the Property Owner certifies that to the best of his knowledge the property complies with all applicable ordinances, rules and regulations of the City of Mt. Healthy, including the Mt. Healthy property maintenance code and codes listed on the City of Mt. Healthy Rental Inspection Form.

Upon return of the Rental Permit application, and the payment of fees, a permit will be issued.

#### **C. Fee Schedule.**

A fee of \$100.00 for each Rental Unit must be included with the Rental Permit Application. This fee pays for the up to two (2) inspections of the property. If occupancy occurs prior to obtaining a Rental Permit, the fee may be doubled.

#### **D. Length of Permit.**

An approved Rental Permit will be good for two (2) years of occupancy by the tenant which it was originally approved for. When a tenant vacates the property for any reason, the Rental Permit must be renewed.

#### **E. Inspection Process.**

At the time of application for a Rental Permit, the Building Department may request permission of the Owner to inspect the Rental Unit for compliance with the Mt. Healthy Property Maintenance Code. Where the Owner grants permission, Inspections or Re-Inspections by the Mt. Healthy Building Department of vacant properties must be performed with the Owner, or a Designated Representative present. Where the Owner has granted permission, the Inspection or Re-Inspection for a Renewal Permit or occupied properties will require the Owner or a Designated Representative and the Tenant to be present.

Where any Owner, Occupant, or other person in charge of the Rental Unit fails or refuses to permit free access and entry to their Rental Unit or its premises under his control, or any part thereof, the Mt. Healthy City Building Department, through an appropriate officer, may apply to a judge or magistrate of a court of record, pursuant to Section 2933.21(F) of the Ohio Revised Code, for a warrant to conduct an inspection. A warrant of record to conduct an inspection of a Rental Unit shall issue only upon probable cause to believe that conditions exist upon such property which are or may become hazardous to public health, safety, or welfare. See, Ohio Revised Code, Section 2933.22(B).

#### **F. Violation Process.**

Permits will be issued only to properties which the Owner has certified to be in compliance with the City of Mt. Healthy Property Maintenance Code, or where applicable, have been found to be in compliance with the code upon inspection by the Mt. Healthy Building Department. A Rental Permit may be revoked at any time by the Mt. Healthy Building Department if the rental property becomes non-compliant with the Code.

If a violation of the Code is noted during the inspection process, a written notice of violation(s) will be issued to the Property Owner or the Designated Representative,

describing the violation(s) and the required correction(s) and the deadline date to correct or abate said violation(s).

### **G. Appeal Process.**

An appeal may be taken to the Mt. Healthy Planning Commission by any persons aggrieved by any order, requirement or decision made by the Mt. Healthy Building Department. The request for an appeal must be submitted by the party aggrieved by the action of the Building Department within fifteen days from receipt of any written notice of violation(s). The appeal will be heard by the Planning Commission and a decision will be given within thirty days.

An appeal to the Planning Commission shall stay all proceedings in the furtherance of action appealed from, except in cases of imminent peril to life or property.

An Owner may seek judicial review of an adverse decision of the Planning Commission in the Hamilton County Court of Common Pleas pursuant to the provisions of R.C. 2506 governing administrative appeals.

**Section 2.** The Owner of all single family rental properties will submit a Tenant List to the Building Department immediately on the effective date of this Ordinance and on January 1<sup>st</sup>, on each year thereafter.

**Section 3.** Whoever violates any provision of this Ordinance, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits as provided herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Whoever is convicted or pleads guilty to a Property Maintenance Code violation shall be charged with a minor misdemeanor. However:

- (A) Whoever is convicted or pleads guilty of a second offense not sooner than 20 days and not later than one year of the same section of the Property Maintenance Code shall be charged with a misdemeanor of the fourth degree.
- (B) Whoever is convicted or pleads guilty of the third offense not sooner than 20 days and not later than one year of the same section of the Property Maintenance Code shall be charged with a misdemeanor of the third degree.
- (C) Whoever is convicted or pleads guilty of the fourth offense not sooner than 20 days and not later than one year of the same section of the Property Maintenance Code shall be charged with a misdemeanor of the second degree.
- (D) Whoever is convicted or pleads guilty of the fifth offense not sooner than 20 days and not later than one year of the same section of the Property Maintenance Code shall be charged with a misdemeanor of the first degree.

**Section 4.** The Building Inspector shall report non-payment of such fines by any Owner subject to the above provisions to the Mt. Healthy City Council who shall then certify the sums due to the Hamilton County Auditor, to be placed as an assessment on the subject property and collected as any other real property tax or assessment.

**Section 5.** Any Owner who applied for and received a Rental Permit Application under prior Ordinance 14-1693 shall not be required to re-apply under this ordinance; provided, however, that such Owners must renew Rental Permits in accordance with Section 1D of this ordinance.

**Section 6.** That this Ordinance shall be in full force and effect from and after the first date provided by law.

Passed this 15 day of APRIL, 2014.

Ron Bettner  
President of Council

Attest: Melanie  
Clerk of Council

Approved this 15 day of APRIL, 2014.

Joseph J. Rotundo  
Mayor

Approved as to form:  
Stephen A. Wolf  
Law Director