

ORDINANCE NO: 12-2011
INTRODUCED BY: O'Toole

AN ORDINANCE AMENDING SECTIONS 1306.03(b) AND 1306.04 OF THE BUILDING CODE REGARDING INSPECTIONS OF MULTIPLE DWELLINGS AND FEES FOR APPLICATIONS FOR CERTIFICATES OF AUTHORIZED OCCUPANCY FOR RENTAL UNITS; AND DECLARING AN EMERGENCY.

WHEREAS, the initial processing of a certificate of authorized occupancy for a rental dwelling unit in the City, as provided by Section 1306.02 of the City's Building Code, requires substantially more administrative time and more extensive inspections than subsequent yearly renewals of the certificates of authorized occupancy; and

WHEREAS, buildings with multiple dwellings need to be inspected on a yearly basis and the fee for a certificate of authorized occupancy for a dwelling unit in a multiple dwelling building needs to be increased based upon the time required for such inspections processing of applications;

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 1306.03(b) of Part Thirteen, the Building Code of the City, is amended to hereafter read as follows:

“(b) Inspection. The Building Commissioner shall inspect or cause to be inspected the interior premises and exterior premises and property areas of the dwelling structure used for rent or lease within thirty (30) days of the initial application for a certificate of authorized occupancy, ~~and at least~~ once every three (3) years thereafter for rental units that are not within a multiple dwelling, except the interior of any owner occupied dwelling unit, and once per year thereafter for each rental unit in a multiple dwelling.”

Section 2: Existing Section 1306.03(b), to the extent not amended herein, shall remain in full force and effect; however, the existing provisions of Section 1306.03(b) as amended herein are repealed as of the effective date of this Ordinance.

Section 3: Section 1306.04 of Part Thirteen, the Building Code of the City, is hereby amended to read as follows:

“1306.04 FEES.

Unless otherwise indicated, an application for a certificate of authorized occupancy shall be accompanied by a nonrefundable fee of ~~one hundred fifty dollars (\$150.00)~~ two hundred fifty (\$250.00) for each dwelling unit for the initial annual certificate of authorized occupancy required by Section 1306.02 of this Code. For each subsequent annual renewal of the certificate of authorized occupancy, a fee of \$150.00 for each dwelling unit shall be charged. Notwithstanding the foregoing charges, in the case of a multiple family dwelling building, the application fee for an initial certificate of occupancy shall be the greater of either three hundred dollars (\$300.00) ~~seven hundred fifty dollars (\$750.00)~~ or fifteen dollars (\$15.00) ~~twenty-five dollars (\$25.00)~~ per dwelling unit or apartment and for each subsequent annual renewal of the certificate of authorized occupancy, it shall be the greater of either four hundred fifty dollars (\$450.00) or twenty-five dollars (\$25.00) per dwelling unit. In addition to the penalty and remedies set forth in Section 1306.99 of this Code, in the event an owner, agent, or person in charge of any rental unit fails to timely submit a complete and proper application pursuant to Section 1306.02 and 1306.03 of this Code, an additional fee of \$125.00 shall be charged to such owner, agent, or person in charge prior to the issuance of a certificate of authorized occupancy.

Section 4: Existing Section 1306.04, to the extent not amended herein, shall remain in full force and effect; however, the existing provisions of Section 1306.04 as amended herein are repealed as of the effective date of this Ordinance.

Section 5: 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 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 6: This Ordinance is hereby declared to be an emergency measure immediately necessary to preserve the public health, safety and general welfare of the citizens of the City and for the further reason that this Ordinance is required to be immediately effective to provide for adequate regulation and inspection of rental units for the safety of potential renters and lessees and to eliminate real and potential threats and hazards to the health and general welfare thereof; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council