

ORDINANCE NO: 2019-7
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING CHAPTER 1388 OF THE
BUILDING CODE OF THE CITY TITLED
“REGISTRATION AND INSPECTION OF RESIDENTIAL
REAL PROPERTY” BY AMENDING SECTIONS 1388.01
AND 1388.02, AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Section 1388.01 of the Building Code of the City titled “DEFINITIONS” is hereby amended to read as follows (new material appears like THIS and deleted material appears like this):

1388.01 DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) “Designated City official” means the Building Commissioner the City of Lyndhurst, Ohio or his/her designee.

(b) “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.

(c) “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.

(d) “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.

(e) “Property manager” means a person other than the owner that has managing control of a rental unit.

(f) “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.

(g) “Rental unit” means a one, two or three-family dwelling unit, including a town home dwelling unit, A CONDOMINIUM, APARTMENT CONDOMINIUM OR APARTMENT DWELLING THAT IS NOT OCCUPIED BY THE OWNER ~~or portion thereof that is rented or offered for rent as a residence excluding a dwelling unit supplied by an employer as compensation to not more than one employee.~~

(h) “Tenant” means any person, OTHER THAN THE PROPERTY OWNER, who OCCUPIES, rents or leases a rental unit for living or dwelling purposes with the consent of the OWNER OR THE landlord.

(i) “VACANT BUILDING” MEANS ANY STRUCTURE THAT IS UNOCCUPIED. A VACANT BUILDING IS SUBJECT TO THE PROVISIONS OF CHAPTER 1395 OF THESE CODIFIED ORDINANCES.

SECTION 2. Section 1388.02 of the Building Code of the City titled “RENTAL REGISTRATION” is hereby amended to read as follows (new material appears like THIS and deleted material appears like this):

1388.02 RENTAL REGISTRATION.

(a) Each owner of a rental unit within the City shall register each such rental unit with the designated City official before May 1, 2007, and shall renew such registration annually on the date prescribed by the designated City official pursuant to Section

1388.03(a) and the provisions of this section regarding registration fees. A separate registration shall be required for each rental unit.

(b) (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, OR WITHIN 30 DAYS OF NON-OWNER OCCUPANCY OF A DWELLING UNIT. Each initial application for rental registration or renewal of a rental registration shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00) for each rental unit ONE, TWO OR THREE FAMILY DWELLING UNIT, OR A NON-REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) FOR EACH TOWN HOME, CONDOMINIUM OR APARTMENT CONDOMINIUM DWELLING UNIT. REGISTRATION AND FEES FOR APARTMENT DWELLING UNITS, NOT TO EXCEED FIFTY DOLLARD (\$50.00) PER APERTMENT DWELLING UNIT, MAY BE REQUIRED AT THE DISCRETION OF THE DESIGNATED CITY OFFICIAL.

(2) If an owner as defined in Section 1388.01 fails to register a property or properties by the prescribed date, the registration fee shall be doubled regardless of whether or not the home DWELLING UNIT was inspected. Said owner shall also be subject to the penalty provisions as set forth in Section 1383.99 of the Codified Ordinances.

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

- (1) Owner's name, address, and work and home telephone number;
- (2) If owner is a partnership, the name 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, business location, telephone number, name of the person in charge of the local office of such corporation, if any, and the names 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;
- (5) Street address of the rental unit;
- (6) Name of each primary or principal tenant;
- (7) Number of adults and children under eighteen (18) years of age occupying the rental unit;
- (8) Name and age of children attending school and name of school;
- (9) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration;
- (10) Be signed by the owner or owner's agent; and
- (11) Be signed by the responsible tenant.

(d) The designated City official shall, within 30 days after receipt of the registration application, either issue a certificate of registration or provide notification to the owner that the application does not comply with the requirement of this chapter.

(e) A certificate of registration shall be valid for a period of 12 calendar months following issuance thereof, provided, however, the initial certificate of registration for rental units shall not expire until the date of renewal of registration established by the designated City official pursuant to Section 1388.03(a).

(f) Single-family registration is not assignable or transferable.

(g) It is an offense for an owner to fail to register and/or to renew the registration for the owner's rental units within the City. Each day that the owner continues to fail to register and/or renew the registration of the owner's rental units within the City shall constitute a separate offense.

(h) It shall be unlawful for any person to file a false registration application with the designated City official.

SECTION 2. Any and all provisions of Sections 1388.01 and 1388.02 inconsistent herewith are hereby repealed but all other provisions of Chapter 1388 of the Building Code of the City shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all

statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to assure that all non-owner occupied dwelling units in the City are safe for those living there. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: January 7, 2019

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on January 17, 2019 and January 24, 2019.

Clerk of Council

First Reading: January 7, 2019

Second Reading: Suspended

Third Reading: Suspended