

ORDINANCE 2007-42  
*(Replaces Ordinance 2003-34)*

VILLAGE OF NEW RICHMOND, OHIO  
RENTAL DWELLINGS AND UNITS; INSPECTION ORDINANCE

A No owner or landlord of residential premises located within the Village shall rent or seek to rent any residential premises in any form or for any consideration unless the Owner or Landlord holds a valid Conditional Rental Permit or Rental Permit issued by the Office of the Village Administrator. The term “owner” shall mean the Owner of the residential premises as set forth in the records of the Clermont County Auditor or the Vendee of a land contract for the sale of these residential premises. The terms “Tenant”, “Landlord”, “Residential Premises” and “Rental Contract”, shall have the same meanings as set forth in Ohio Revised Code Sections 5321.01(a); 5321.01(b); 5321.01(c) and 5321.01(d), which definitions are incorporated by reference herein.

B A Rental Permit shall be valid for a three (3) year period except as provided hereinafter. An Owner or Landlord shall be required to obtain a new Rental Permit at the expiration of the three (3) year period. Except as provided hereinafter, a Conditional Rental Permit shall be valid for the period specified in the Conditional Rental Permit as set forth in I 1 of this section.

1. If, during the time period specified above, the occupancy of the dwelling or dwelling unit for which the Rental Permit or Conditional Rental Permit has been issued transfers from one tenant to another (“Transfer of Occupancy”), the issued Rental Permit or Conditional Rental Permit shall expire and the Owner or Landlord shall be required to obtain a new Rental Permit or Conditional Rental Permit. The Owner or Landlord shall have two (2) weeks after the transfer of the occupancy of the dwelling or dwelling unit to apply for a new Rental Permit or Conditional Rental Permit. If an Owner or Landlord fails to notify the Office of the Village Administrator of a Transfer of Occupancy within two (2) weeks, the Rental Permit or Conditional Rental Permit for the dwelling or dwelling unit in which the occupancy has changed shall be deemed revoked and the Owner or Landlord shall be subject to the penalties contained in subsection (m) herein. A submitted application and payment of fees by an Owner or Landlord for the renewal of a Rental Permit or Conditional Rental Permit shall operate as authority for the Owner or Landlord to rent the dwelling or dwelling unit for which the Renewal Application has been made, until such time as the office of the Village Administrator denies or issues a subsequent Rental Permit or Conditional Rental Permit.
  
2. A residential property will not be required to be inspected for a new Rental Permit or Conditional Rental Permit upon a Transfer of Occupancy if the dwelling or dwelling unit has been inspected and approved for occupancy within the three hundred sixty-five (365) days prior to the transfer of occupancy. In such event, the Rental Permit or Conditional Rental Permit shall expire at the end of the period specified in the prior Rental Permit or Conditional Rental Permit. Notwithstanding the foregoing, a dwelling or dwelling unit shall be required to be inspected if

written complaints about the condition of the dwelling or dwelling unit have been filed with the Village, by the occupants of the dwelling or dwelling unit during the preceding sixty (60) days prior to the Transfer of Occupancy.

C. An Owner or Landlord shall apply for Rental Permit or Conditional Rental Permit by filing a written application with the Office of the Village Administrator which contains the following information: 1) Name of Property Owner; 2) address of Property Owner; 3) address of property to be rented; 4) date of change of ownership or Transfer of Occupancy, if applicable; 5) all information required by section D herein. 6) Name and address of individual responsible for operating the rental unit; 7) a certification that the rental unit(s) is/are fit for human habitation; 8) a certification that the rental unit(s) comply with all requirements of the New Richmond Housing Code; all requirements of the New Richmond Rental Housing Inspection Code and compliance with any and all other New Richmond codes applicable to rental units; and 9) a certification that the rental unit(s) have operating utilities.

D. The application for a Rental Permit or Conditional Rental Permit shall be in affidavit form, and the Owner or Landlord shall be required therein to answer, to the best of his/her knowledge, all pertinent questions with respect to the conformance of the subject property to this chapter and to all other applicable ordinances, rules, and regulations related to the construction, condition and appearance of the dwelling or dwelling unit. Within two (2) weeks of the effective date of this section, any Owner or Landlord currently renting or seeking to rent a dwelling or dwelling unit within the Village must submit an application as required by this section. The initial Rental Permit or Conditional Rental Permit shall be issued by the office of the Village Administrator as soon as feasible after the Village Housing Inspector has had an opportunity to conduct an on-premises inspection and the office of the Village Administrator has determined that the dwelling or dwelling unit complies with the applicable provisions of this Chapter. The completion of an application for a rental permit or conditional rental permit shall be deemed to be a consent from the owner of the building to an inspection of the building.

E. Prior to issuing a Rental Permit or Conditional Rental Permit, the Office of the Village Administrator shall require an inspection of the dwelling or dwelling unit by the Village Housing Inspector or his/her designee (except as provided under B 2 herein). If the property Owner or Landlord, after being given seven (7) calendar days to comply with a request to make the subject property available for inspection, refuses to allow an inspection, the Village Housing Inspector may seek a search warrant for the premises in order to complete the inspection, prior to the issuance of the permit.

1. A dwelling or dwelling unit shall not be required to be inspected by the Office of the Village Administrator in the event that the dwelling or dwelling unit has not had any violation during the two (2) previous inspections required under this paragraph E. In such event, the Owner or Landlord shall be entitled to receive a new Rental Permit for the period specified in section B herein without an inspection. Thereafter, the dwelling or dwelling unit will again be required to be inspected as provided herein.

F. The Village Housing Inspector shall inspect the dwelling or dwelling unit for compliance with all ordinances, rules and regulations applicable to the construction, condition and appearance

of the subject property, including specifically the dwelling or dwelling unit's compliance with all pertinent sections of the Village of New Richmond Housing Code, Village of New Richmond Fire Code, Ohio State Fire Code, Clermont County Building Code and other general health and safety codes. If the Village Housing Inspector determines, after inspection, that the property is in compliance with the applicable Code sections, he/she shall certify the same to the Office of the Village Administrator.

G. The Owner or Landlord shall pay an application and inspection fee as set forth herein. For any dwelling or dwelling unit, an Owner or Landlord shall pay an application fee of Five Dollars (\$5). For a structure in which there are multiple dwellings or dwelling units, the application fee shall be Five Dollars (\$5) for each dwelling or dwelling unit. Any Owner or Landlord-occupied dwelling or dwelling unit shall not be subject to an application fee, but each additional dwelling unit in a structure will be charged a Five Dollar (\$5) application fee. The application fee shall cover the cost incurred by the office of the Village Administrator in reviewing any application as well as the initial inspection, which is required under section F herein. In the event that any violation of the rules, regulations and ordinances set forth in section F herein are found by the Village Housing Inspector and/or his designee, which requires an additional inspection, the fees for each additional inspection beyond the initial and one follow-up shall be Twenty-five Dollars (\$25). This fee structure shall be reviewed yearly prior to the submittal of the Village's annual budget and adjusted if necessary and appropriate.

H. The Office of the Village Administrator or his/her designee shall issue a Rental Permit to an Owner or Landlord who:

1. Pays the permit fee required in this section;
2. Files a written application in accordance with this chapter;
3. Secures the endorsements required by this section;
4. Complies with this chapter and the rules, regulations and ordinances applicable set forth in section F herein;
5. Demonstrates that he/she does not have any outstanding fees due and owing pursuant to this section.

I. When an Owner or Landlord has applied for a Rental Permit, and upon inspection, the Village Housing Inspector is unable to certify that the dwelling or dwelling unit for which a Rental Permit is sought conforms to the requirements of this chapter or the rules, regulations and Ordinances in the Condition for Occupancy Checklist of section F, the Office of the Village Administrator may, when the nonconformity in his/her opinion does not constitute an immediate threat or danger to the health, safety, or public welfare of the community or the inhabitants or potential inhabitants of the dwelling or dwelling unit, issue a Conditional Rental Permit to the applicant. The office of the Village Administrator shall not grant a Conditional Rental Permit if the dwelling or dwelling unit constitutes an immediate threat or danger to the health, safety or public welfare of the community or the inhabitants or potential inhabitants of the dwelling or dwelling unit.

1. A Conditional Permit shall set forth (i) the reasons why the dwelling or dwelling unit do not conform to this chapter and the Condition for Occupancy Checklist, (ii) and

the time allowed for the Owner or Landlord to secure conformity (which time shall not exceed ninety (90) days). The Office of the Village Administrator and/or his/her designee may revoke the Conditional Permit at any time if he/she determines that the continued nonconformity constitutes an immediate threat or danger to the health, safety, or public welfare of the community, or the inhabitants or potential inhabitants of the dwelling or dwelling unit, or he/she may extend the period for securing conformity, if, in his/her opinion, the continued nonconformity does not constitute a threat or danger, which extensions shall not exceed an additional sixty (60) days ("Extension Period"). If the Owner or Landlord has not fulfilled the requirements under the Conditional Rental Permit within the time specified in the Conditional Rental Permit and/or the Extension Period, the Conditional Rental Permit shall expire. If an Owner or Landlord fulfills the requirements under a Conditional Rental Permit within the time specified, the Owner or Landlord shall be granted a Rental Permit, which shall be valid for a three (3) year period.

J Whenever, upon inspection of any dwelling or dwelling unit requiring a Rental Permit or Conditional Rental Permit, the Village Housing Inspector finds that conditions or practices exist which are in violation of any provision set forth in section F herein, the office of the Village Administrator shall give notice in writing to the Owner or Landlord of such violations. If the Owner or Landlord has not corrected the violations within thirty (30) days of receiving notice from the office of the Village Administrator, the Village Administrator shall give written notice to the Owner or Landlord that the issued Rental Permit or Conditional Rental Permit has been revoked. Upon receipt of such notice, the Owner or Landlord shall immediately cease renting or seeking to rent that dwelling or dwelling unit.

K. Any decision by, or issue raised by action of, the Office of the Village Administrator under this section is subject to appeal to the Housing Board of Appeals by filing a written notice of appeal within thirty (30) days after receipt of a written notice or letter by the Office of the Village Administrator of noncompliance or refusal to issue a permit.

L A Conditional Rental Permit, or Rental Permit as provided in this section is transferable only by notification to the Office of the Village Administrator. When an Owner or Landlord transfers his or her interest in or control of a dwelling or dwelling unit, he/she shall notify the Office of the Village Administrator in writing within five (5) days after the transfer. The notice shall include the name and address and telephone number of the person who has succeeded to his or her interest or control.

M If an Owner or Landlord rents any dwelling or dwelling unit for any form of consideration without a valid Conditional Rental Permit or Rental Permit Shall be subject to a civil fine of one hundred dollars (\$100) per day for each day the property is rented without a permit.

In addition, the Village may seek injunctive relief in accordance with Ohio Revised Code Section 715.30

Adopted: October 9<sup>th</sup>, 2007