

ORDINANCE 2020-05

Village of New Richmond, Ohio

AN ORDINANCE TO ADOPT A RENTAL HOUSING CODE FOR THE VILLAGE OF NEW RICHMOND OHIO

Whereas, The Village of New Richmond has experienced an increase in the amount of substandard rental housing units used for human habitation, a condition aggravated by the widespread damage done in the 1997 flood;

Whereas, many of these units are structurally unsafe, unsanitary, or otherwise present a fire hazard to the health and well-being of the community;

Whereas, the Council recognizes the need to protect the community by establishing an inspection and regulation procedure of all structures intended to be used for human habitation in The Village of New Richmond and to enforce the existing standards set forth in the Ohio Fire Code and the Ohio Basic Building code;

Whereas, The Village of New Richmond has authority pursuant to Section 715.29 of the Ohio Revised Code to adopt a rental housing code;

WHEREAS, The Village Council believes it is in the best interests of the citizens of the Village that the Council add the below-referenced Ordinance to the Village of New Richmond Code of Ordinances in order to protect the health, safety, aesthetics, and general welfare of the residents of the Village of New Richmond; and

Now, Therefore, Be it Resolved by the Council of the Village of New Richmond, Clermont County, Ohio that it is necessary, for the reasons set forth in the preambles hereto, to adopt, and this Council does hereby adopt a rental housing code in the incorporated area of the Village, with the following definitions:

SECTION I – DEFINITIONS

As used in this Ordinance, the following words and terms shall have the meanings indicated in this section. Words and terms used and not specifically defined in this section, but which are defined in the Ohio Basic Building Code, shall have the meanings there defined. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

- (1) Landlord means the owner of a rental unit.

- (2) Rental agreement means any contract or lease, whether written, oral, or implied by operation of law, for the rental of the rental unit.
- (3) Rental unit means the whole or part of a building including common areas used by a person for living dining, cooking, sleeping, and sanitation purposes owned or controlled by another, under an agreement for the periodic payment of rent.
- (4) Security deposit means any deposit of money or other property however denominated whose primary function is to secure the performance of the tenant under a rental agreement.
- (5) Tenant means an occupant of a rental unit other than an owner or operator.
- (6) Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life or property.
- (7) Smoke Detector mean a readily removable device, sensitive to either visible or invisible particles of combustion or both, which automatically detects any fire condition and broadcasts locally a signal or alarm.
- (8) Fire Inspector means the Village of New Richmond's Fire & EMS Chief, or a department authorized representative.

SECTION II – PERMIT REQUIREMENT FOR RENTAL UNITS

(A) A rental occupancy permit shall be issued by the Fire Inspector, subject to the following terms:

- (1) Application shall be made in writing to the Fire Inspector on approved Rental Occupancy Permit Application form (attached hereto and marked as "Exhibit A") as provided by the Fire Inspector.
- (2) An inspection must be successfully concluded, including the correction of any violations found by the Fire Inspector.
- (3) Any violations found upon inspection will be detailed on a "notice of violation" form provided to the landlord of an unoccupied rental unit, and to the tenant and landlord of an occupied unit, specifying the nature of the violation and assigning responsibility of rectifying the condition either to the landlord, to the tenant, or to both if circumstances are present that indicate both parties to be at fault in creating the violation.
- (4) A re-inspection fee of \$40.00 shall be required if violations are found.
- (5) Failure to rectify the conditions detailed in the "notice of violation" will result in voiding any existing occupancy permit and the issuance of a citation by the Fire Inspector.

SECTION III- INSPECTION REQUIREMENTS

- (A) All rental units in the Village of New Richmond are subject to inspections annually, each time occupancy changes, or upon receipt of a reported violation of standards prescribed herein for hazardous conditions, whichever occurs first. The Fire Inspector or his duly authorized representative shall be the sole person designated to conduct inspections pursuant to this Ordinance. (See, Sections 3737.14 (A) and 715.26 (B) of the Ohio Revised Code).
- (B) The Fire Inspector or his duly authorized representative shall inspect for any hazardous condition, including but not limited to:

- 1) Properly functioning smoke detectors on each level including basements
- 2) Obstruction to or on fire escapes, stairs, passageways doors or windows which could interfere with egress of occupants in an emergency situation including, but not limited to, ice & snow.
- 3) Operational windows with intact glass
- 4) Stable steps with adequate handrails
- 5) Solid ceilings and walls, free of broken plaster or loose paneling
- 6) Solid floors, free of broken boards, holes and loose carpeting
- 7) Solid roof, free of leaks
- 8) Properly installed and vented heating system with operational fans and heat exchanger
- 9) Exposed or loose electrical wiring, broken or missing outlets, switches and covers, or other obvious electrical hazards
- 10) Water leaks that subject to increase the risk of electrical hazards, or encourage pests which could increase the risk of fire
- 11) Insect or rodent infestation
- 12) Operational fire extinguishers
- 13) Secure gas lines with proper connections and adequate shut-offs.
- 14) The accumulation of trash, rubbish, or debris in or around the structure which may present a hazard by encouraging dangerous insect, rodent, or other pest infestation.
- 15) The accumulation of dangerous amounts or the excessive storage of any combustible or explosive material in or around the structure which may create a fire hazard.
- 16) An accumulation of grease, oil or other flammable residue on, under, or near an appliance used for cooking, heating, or producing hot water.
- 17) An accumulation of dust, waste material, grease, oil, or other flammable residue in air conditioning, ventilation ducts, or other exhaust ducts.
- 18) Carbon monoxide alarms on each level where required with combustible appliances and or heating equipment.
- 19) Address must be installed so it is visible from the road with plainly legibly letters and numbers that shall be reflective & contrasting with their background. Letters and numbers shall be 4 inches in height and ½ in stroke width.
- 20) Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction at multi-family (greater than 2) dwelling unit structures.

SECTION IV– TENANT VIOLATIONS

- (A) Each tenant shall comply with all duties imposed upon tenants by the applicable provisions of all municipal codes, regulations and ordinances, and in particular:
- (1) Keep that part of the premises which tenant occupies and uses safe and sanitary.
 - (2) dispose of all rubbish, garbage and other waste in a clean, safe, and sanitary manner.
 - (3) Keep all plumbing fixtures in the dwelling unit or used by tenants as clean as their condition Permits
 - (4) Install, use and operate all electrical and plumbing fixtures properly.

SECTION V- LANDLORD VIOLATIONS

(A) The landlord is under a duty to comply explicitly with the terms of this ordinance to prevent revocation of any existing occupancy permit issued under this section, in addition to any other remedies prescribed herein, or applicable penalty sections of the Ohio Revised Code, the Ohio Basic Building Code, or the Ohio Fire Code. Each owner or landlord of residential property shall comply with all duties imposed upon owners or landlords by the applicable provisions of all municipal codes, regulations or ordinances governing the maintenance, construction, use or appearance of the dwelling unit and the property of which it is a part, and in particular:

- (1) Keep all common areas of the premises in a safe and sanitary condition.
- (2) Make all repairs necessary to put and keep the dwelling unit and the appurtenances thereto in a fit and habitable condition and in compliance with the Ohio Basic Building Code, Ohio Fire Code, and the regulations of the Board of Health.
- (3) Maintain in good safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning fixtures, appliances, and elevators.
- (4) Dispose of all garbage and rubbish in accordance with the regulations of the Board of Health.
- (5) Exterminate any insects, rodents or other pests on the premises.
- (6) Except in the case of emergency or if it is impracticable to do so, give the tenant reasonable notice of landlord's intent to enter for purposes of maintenance, repair, or inspection, and enter only at reasonable times. Twenty-four hours is presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) The landlord or his authorized agent must obtain an occupancy permit prior to offering the unit for rent and is responsible for maintaining a current occupancy permit on each occupied rental unit he owns.

SECTION VI-PENALTIES

Violations resulting in a citation are classified as a misdemeanor pursuant to section 715.67 of the Ohio Revised Code and are punishable by a fine of at not more than five hundred dollars and imprisonment not to exceed six months. Each day of such violation(s) shall be considered a separate violation(s).

SECTION VII- SEVERABILITY

If any provision of this Ordinance shall be declared to be unconstitutional or illegal, all remaining provision of this Ordinance shall remain effective and in full force.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance was taken 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 taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

This Village Rental Housing Code Ordinance takes precedence over all previous Rental Housing Code Ordinances adopted by the Village including, but limited to, the Village Rental Housing Code Ordinance passed in 1999.

Councilperson Skeene moved for adoption and Councilperson Prues seconded the motion to adopt the foregoing ordinance and upon roll call the vote was as follows:

Jonathan Millhouse yes

Larry Prues yes

Melanie Slade yes

Becky Ploucha yes

Gary Skeene yes

Mary Allen yes

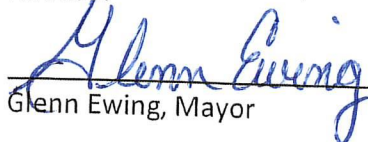
First Reading: 03-10-2020

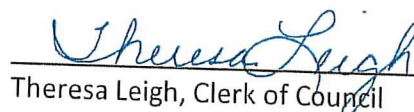
Second Reading: 03-24-2020

Third Reading: 04-28-2020

Adopted: 04-28-2020

ATTEST:


Glenn Ewing, Mayor


Theresa Leigh, Clerk of Council

Approved as to Form:


Scott Sollmann, Village Solicitor

RENTAL OCCUPANCY PERMIT APPLICATION

This application becomes a permit upon signed approval of the New Richmond Fire & EMS Chief and or Designee.

Pursuant to Village Ordinance 2020-05, all rental units in the Village of New Richmond are subject to inspections annually, each time occupancy changes, or upon receipt of a reported violation of standards prescribed herein for hazardous conditions, whichever occurs first. The Fire & EMS Chief and or his duly authorized representative shall be the sole person designated to conduct inspections pursuant to this Ordinance. (see Sections 3737.14(A) and 715.26 (B) of the Ohio Revised Code).

Schedule all inspections with the New Richmond Fire & EMS Department Phone 513-553-2117; 300 Hamilton Street New Richmond, OH 45157; E-Mail inspections@nrfems.org

Rental Dwelling Address: _____

Owner : _____

Address: _____

City: _____ State _____ Zip _____

Phone: _____ Email: _____

Designated Agent: _____

Address: _____

City _____ State _____ Zip _____

Phone: _____ Email: _____

This Rental Occupancy Permit is designed in efforts to keep you, the applicant, your tenants, and citizens of the Village of New Richmond safe. This permit is at a zero cost to you; however, if a re-inspection is needed due to violations you will be charged a \$40.00 reinspection fee per Ordinance 2020-05. Please see the checklist is provided to you for preparation of inspection.

TO BE COMPLETED BY APPLICANT

I hereby certify that I am authorized as the Owner and or Designated Agent to complete this application and I understand and conform to applicable laws of New Richmond Fire & EMS Departments Code of Ordinance as amended and the State of Ohio. All information submitted on this application is accurate to the best of my knowledge.

Owner or Designated Agent

Date

Fire & EMS Chief or Designee

Date

INSPECTION CHECK LIST

The fire inspector shall inspect for any hazardous condition, including but not limited to:

1. Smoke Detectors on each level including basements
2. Obstructions
3. Windows
4. Steps & handrails
5. Ceilings & Walls
6. Floors
7. Roof
8. Heating Systems
9. Electrical — switches, outlets, wiring
10. Water leaks
11. Insect or rodent Infestation
12. Fire Extinguishers
13. Gas Lines
14. Trash & Rubbish
15. Combustible materials
16. Grease & Oil on, under or near appliances used for cooking, heating, hot water
17. Dust or other flammable residue in air conditioning, ventilation or exhaust ducts.
18. Carbon Monoxide Alarms on each level where required
19. Address must be visible from road with minimum 4" letters & numbers
20. Open-flame cooking devices.