

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 24, 2014
As Amended in Committee:
December 22, 2014
Second Reading: December 22, 2014

AN ORDINANCE

AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to ensure the housing stock of the city is maintained to the highest possible standard; and

WHEREAS, through the refusal to issue rental occupancy permits to those property owners with delinquent property tax balances, the housing stock of the city will be of a higher quality; and

WHEREAS, Section 1303.06 of the South Euclid Codified Ordinances allows the Building Commissioner to deny occupancy of a commercial structure if there is a delinquent property tax balance and thus, it is the desire of City Council to uniformly enforce this code requirement by also applying it to residential rental property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 1409.01 "Certificate of Occupancy Required" of Chapter 1409 "Certificate of Occupancy" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

1409.01 CERTIFICATE OF OCCUPANCY REQUIRED

On or after January 1, 1993, no person shall occupy, and no owner, agent or person in charge of any dwelling structure, shall permit a person to occupy a rental unit and/or multiple dwelling, unless the Building Commissioner has issued to the owner, agent or person in charge, a certificate of occupancy for the rental unit.

(a) Prior to obtaining a certificate of occupancy for rental property not currently registered in the City of South Euclid, the owner of the property is required to submit a completed application on forms provided by the Building Commissioner and the required fee as indicated in Section 1409.02 and 1409.05. Upon receipt of the application and fee by the Building Commissioner, a rental inspection shall be scheduled and occur within 30 days of the date of acceptance of the application. Upon completion of the rental inspection, any noted violations regarding life safety or sanitary conditions will be given a compliance date and must be corrected and approved prior to the issuance of the certificate of occupancy. If no violations or minor violations are noted from the inspection, a certificate of occupancy will be issued. If there are minor violations, a violation notice will be issued with the compliance dates for the correction of violations.

(b) Any rental property not currently registered by the City of South Euclid that is occupied prior to the issuance of a certificate of occupancy by the Building Commissioner shall be in violation of this Code. A penalty of not less than one hundred dollars (\$100.00) shall be charged in addition to the required fees as indicated in Section 1409.05. However, the payment of such penalty and fee shall not relieve any person from fully complying with the requirements of this Building Code or any other law of the State or ordinance of this City.

(c) **Disapproval.** Parcels with a certified delinquent property tax balance shall not be issued a certificate of occupancy unless the property owner or agent-in-charge provides documentation of being on a county payment plan in good standing.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason it is necessary to ensure the city maintains a strong housing stock. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this 22nd day of December, 2014.

David B. Miller
David B. Miller, President of Council

Attest:
[Signature]
Keith A. Benjamin, Clerk of Council

Approved:
Georgine Welo
Georgine Welo, Mayor

Approved as to form:
[Signature]
Michael P. Lograsso, Director of Law