1395.12 SEPARABILITY.

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1395.10 POWERS AND DUTIES OF THE BUILDING INSPECTOR AND BOARD OF ZONING AND BUILDING APPEALS.

(a) Rules and Regulations. The Building Inspector is hereby authorized to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this chapter, provided that such rules and regulations do not conflict with this chapter and conform to the general standards prescribed by this chapter. The Building Inspector shall file copies of such rules and regulations with the Clerk of Council, the City Engineer, the Fire Chief and the Police Chief and shall make available in the Building Inspector's office a copy for inspection by members of the public during regular business hours.

(b) Variances. The Board of Zoning and Building Appeals shall have the power to withhold or extend strict enforcement of the requirements of this Code upon written application fee equal to cost therefor by an owner, operator or occupant and after a public hearing provided that the Board determines that the conditions specified in subparagraph (1) or (2) hereof exist.

(1) Any variation or modification of a structure or use approved by the Board of Zoning and Building Appeals shall not in any material way alter the standards of this Code and cannot affect detrimentally the health, safety or welfare of occupants or owners or of adjacent premises or of the immediate neighborhood and strict enforcement of the provisions of this Code would constitute an undue and unnecessary hardship on the owner or operator because it would compel expenditures on the premises which would be substantially disproportionate to any benefit of health, safety or welfare that might be derived therefrom.

(2) The premises subject to this Code are contemplated for acquisition or are within an area where acquisition is contemplated by a public agency having the power of eminent domain and there is a reasonable likelihood that the premises will be acquired and razed or moved within a period of two years. However, any waiver of the provisions of this Code shall be canceled and the Building Inspector shall strictly enforce this Code if it is ascertained subsequent to the granting of the waiver that the premises are in fact not to be acquired for any public use or purpose.

(3) Notice of the time and place of the meeting of the Board, after an application has been filed under the provisions of this section, shall be sent to all property owners within a 500-foot radius of the property for which the application is made. Notice shall be sent by the Building Inspector by regular mail.

(4) Where variations or modifications are approved in any section of this Code or by the action of the Board of Zoning and Building Appeals or of any court of record, a written record thereof stating the name of the applicant, the address of the premises, the variation or modification approved, the date of approval and the reasons therefor satisfying the provisions

contained herein, shall be prepared by the Board of Zoning and Building Appeals and filed both under the section or sections of this Code to which the variation or modification applies and under the address of the premises. Such files shall be available for public inspection in the office of the Building Inspector during regular business hours.

(5) Any recommended amendment, addition or modification of the provisions of this Code consonant with the field experience of the personnel charged with enforcement;

(6) A summary of the time sequence enforcement experience indicating the number of violations abated, the number of cases processed in the Municipal Court, the number of inspections made and such other and further pertinent information as will provide Council with a quarterly account of progress in securing the standards required by this Code; and

(7) Any further recommendation as to how this Code and the procedure and operations hereunder can be improved.

(Ord. 57-93. Passed 5-25-93.)

1395.11 INSPECTION AND STATUS REPORTS.

(a) Application for Inspection. Whenever an owner, operator, occupant, bona fide prospective purchaser, mortgagee or bona fide prospective occupant applies to the Building Inspector for an inspection in order to ascertain if any section of this Real Property Maintenance Code has been violated, the Building Inspector shall, upon payment of the fee provided in subsection (d) hereof, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this Code on the premises. The applicant for such inspection shall state in writing his full name, his address and the reasons and basis for which the inspection is requested. The Building Inspector may deny the application for failure to comply with this requirement.

(b) Application for Status Report. When, in lieu of an inspection, an owner, operator, occupant, lessee, bonafide prospective purchaser, mortgagee or bona fide prospective occupant requests a status report as to whether or not there are any known violations presently pending on the premises, a copy of any notice or order on any violation then pending shall be sent to the applicant upon payment of fees provided in subsection (d) hereof.

(c) Significance and Scope of Inspection or Status Report. No inspection report issued under subsection (a) hereof or status report issued under subsection (b) hereof shall be construed as providing a defense against any violation of this Code or any other ordinance of the City which may be discovered thereafter whether or not the condition or violation existed at the time of any such inspection or status report. The inspection or status report is provided as a convenience to the public and shall not constitute a limitation on the full enforcement of this Code. The inspection or status report shall include only such matters that are embraced in this Code.

(d) Inspection and Status Report Fees.

(1) The minimum fee for any inspection made pursuant to subsection (a) hereof shall be twenty dollars ($20.00). Dwellings of more than two dwelling units or rooming units shall require an additional fee of two dollars ($2.00) for each unit in excess of two.

(2) The fee for any status report or copy thereof issued pursuant to subsection (b) hereof shall be four dollars ($4.00).

(3) Neither the City nor any of its agents shall be liable to any owner or subsequent purchaser of real property for violations of this Code not discovered at the time of inspection of the premises.

(Ord. 57-93. Passed 5-25-93.)

1395.12 SEPARABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or word contained in the Real

Property Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall remain in full force and effect, and to this end the provisions of this Code are hereby declared to be separable.
(Ord. 57-93. Passed 5-25-93.)

1395.13 ANNUAL RENTAL PERMITS REQUIRED FOR MULTI DWELLING UNITS.

All residential property within the City of Sheffield Lake owned for multi dwelling unit rental purposes or occupied by a party other than the owner for a period of more than six (6) months during any single calendar year, shall require an Annual Rental Permit from the Sheffield Lake Building Department. Traditional motels and hotels shall be excluded from the necessity of obtaining a Rental Dwelling or Rooming House Permit. Non-traditional (long-term) rentals in hotels and motels are not excluded.
(Ord. 18-18. Passed 5-8-18.)

1395.14 BIENNIAL RENTAL PERMITS REQUIRED FOR SINGLE DWELLING UNITS.

All residential property within the City of Sheffield Lake owned for single-family dwelling rental purposes or occupied by a party other than the owner for a period of more than six (6) months during any single calendar year, shall require a Biennial Rental Permit from the Sheffield Lake Building Department.
(Ord. 18-18. Passed 5-8-18.)

1395.15 APPLICATION FOR RENTAL PERMIT.

To obtain a Rental Permit, the owner of a single family or multi-family rental dwelling unit or rooming unit as defined by this code, shall apply to the Sheffield Lake Building Department. A Rental Permit shall be issued by the Building Inspector which shall state that the City will conduct periodic administrative inspections of the rental dwelling unit or rooming unit to ensure that the rental dwelling unit, or rooming unit meets the building and zoning requirements of this code and that the owner is current on the payment of all real property taxes for the proposed rental dwelling unit or rooming unit. Upon application for a permit, the owner of a rental dwelling unit or rooming unit may rent or lease the premises at his or her own risk, subject to the subsequent approval of the permit by the Building Inspector.
(Ord. 18-18. Passed 5-8-18.)

1395.16 PERIODIC ADMINISTRATIVE INSPECTIONS OF RENTAL PROPERTY.

The Building Department shall conduct periodic administrative inspections of rental property in the City to ensure compliance with the building and zoning requirements of this code. Administrative inspections shall be conducted upon a minimum of forty-eight (48) hours advanced notice to the owner and/or occupant of the rental property. Inspections shall be based upon the following:

(a) Specific evidence of an existing violation derived from:
  (1) A credible complaint received by the City;
  (2) Credible information received by the City through other communications;
  (3) Personal observations by an inspector or other employee of the City;
  (4) Documents obtained by the City; or

(b) A general inspection program based upon reasonable legislative or administrative standards including, but not limited to:
  (1) The amount of time which has elapsed since the last inspection of the property;
  (2) The nature of the building to be inspected;
  (3) The condition of the area in which the property is located.

(Ord. 18-18. Passed 5-8-18.)

1395.17 REFUSAL OF OWNER OR OCCUPANT TO CONSENT TO INSPECTION.

Should an owner or occupant of residential rental property located in the City refuse to consent to an administrative inspection of the property as required by this Chapter, the City may seek an administrative search warrant for the property from a court of competent jurisdiction. Probable cause for the issuance of the administrative warrant shall be based upon the factors as set forth at Section 1395.16 of this Chapter.

(Ord. 18-18. Passed 5-8-18.)

1395.18 SUSPENSION OR REVOCATION OF PERMIT.

Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the Building Inspector upon satisfactory proof of a violation of any provision of this code or which could have been grounds for failure to issue an original permit, including satisfactory proof that the owner of the rental dwelling unit or rooming unit has allowed the real property taxes to become delinquent on the rental dwelling unit or rooming unit. If a permit is suspended or revoked, said permit shall be surrendered to the Building Department within five (5) days of notification of such suspension or revocation.

(Ord. 18-18. Passed 5-8-18.)

1395.19 ZONING CERTIFICATION REQUIRED.

Prior to the issuance of any Rental Permit, the Building Department shall first verify that the property in question is properly zoned for the proposed rental use.

(Ord. 18-18. Passed 5-8-18.)

1395.20 MAXIMUM OCCUPANCY.

The Rental Permit shall state the maximum number of persons who may occupy the rental dwelling unit or rooming unit as determined by this code and other ordinances of the City of Sheffield Lake. (Ord. 18-18. Passed 5-8-18.)

1395.21 AUTHORIZED AGENT.

No Rental Permit shall be issued or received unless the applicant designates, in addition to himself, an agent for the receipt of process. Said agent must be designated in writing on the application for said permit. Such agent must reside within Lorain County.

(Ord. 18-18. Passed 5-8-18.)

1395.22 NOTICE OF CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership or control of a rental dwelling unit or rooming unit for which a Rental Permit has been issued shall notify the Building Department of said change in ownership within five (5) days of the effective date of transfer.

Such notice shall be in writing and shall include:

(a) The name and address of the new owner.

(b) The name and address of the previous owner; and

(c) The agent for the new owner as required under the provisions of Section 1395.21 herein.

(Ord. 18-18. Passed 5-8-18.)

1395.23 EXPIRATIONS AND RENEWALS.

Every Multi-Unit Rental Permit shall be renewed annually on January 2. Every Single-Family Rental Permit shall be renewed biennially on January 2.

(Ord. 18-18. Passed 5-8-18.)

1395.24 FEES.

Nothing herein contained shall prohibit the owner of a dwelling used for rental purposes from treating all the required fees as a normal business expense incidental to the renting of property and, therefore, an appropriate consideration in the determination of debt. The fees for Rental

Permits shall be as follows:

Number of Dwelling Units or Rooming Units	Fee
1	$100.00/biennially
2-10	200.00/annually
11-25	375.00/annually
26-50	550.00/annually
51-99	750.00/annually
100-149	900.00/annually
150 and up	1,200.00/annually

(Ord. 18-18. Passed 5-8-18.)

1395.25 DISPLAY OF PERMIT.

It shall be the responsibility of the owner, operator or agent of a rental dwelling unit or rooming unit to give notice of his or her permit from the City of Sheffield Lake to tenants in one of the following authorized methods prior to the commencement of a rental term with said tenant:

(a) Display the permit in a conspicuous place within the common ways of the rental dwelling or rooming house or in the rental office of a multi-family residential building of eleven (11) or more units; and

(b) Place upon all written rental agreements the following notice:

"This rental dwelling has received a permit from the City of Sheffield Lake for the period of (date) to (date) for not more than (number) occupants."

(Ord. 18-18. Passed 5-8-18.)

1395.26 REINSTATEMENT.

When the owner or agent has been ordered by the Building Inspector to correct violations that

may exist in a dwelling, as noted in the procedure in Section 1395.16, the Inspector shall re-inspect the property to verify compliance with the original order.
(Ord. 18-18. Passed 5-8-18.)
1395.99 PENALTY AND EQUITABLE REMEDIES.
(a) Whoever fails to obtain an annual or biennial rental license as required by Sections 1395.13 and 1395.14 of this chapter, or who continues to allow rental units to be occupied after his or her license has been revoked or suspended shall be fined as follows:

Number of Dwelling or Rooming Units	Fine
1	$500
2-10	$600
11-25	$775
26-50	$950
51-99	$1150
100-149	$1300
150 and up	$1600

A separate violation shall be deemed committed every thirty (30) days of the failure by any person or entity to comply with the permit requirements of Sections 1395.13 or 1395.14 of this Chapter.
(b) Other Violations. Whoever violates or fails to comply with any other provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars ($150.00) for each violation. Each violation of a section or subsection of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. A separate violation shall be deemed committed for each day of failure by any person or entity to comply with any of the provisions of this chapter after

notice and final order.

(c) Application to Officers or Agents. Where the defendant is other than a natural person, subsections (a) and (b) hereof shall also apply to any agent, superintendent, officer, member or partner who has charge, care or control of the premises either alone or with others.

(d) Other Legal Action. The imposition of any penalty shall not preclude the Director of Law or Prosecutor from instituting any appropriate action or proceeding in a court of law or Prosecutor from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; or to restrain, correct or abate a violation; or to prevent the occupancy of a building, structure or premises; or to require compliance with the provisions of this Code or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Building Inspector or the Zoning Board of Appeals.

(Ord. 18-18. Passed 5-8-18.)

CODIFIED ORDINANCES OF SHEFFIELD LAKE

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- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Repealed)
- ord, a written record thereof stating the name of the applicant, the address of the premises, the variation or modification approved, the date of approval and the reasons therefor sat
- Ord. 57-93

- order to ascertain if any section of this Real Property Maintenance Code has been violated, the Building Inspector shall, upon payment of the fee provided in subsection (d) hereof, ca
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- effective date of transfer
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- order
- order issued pursuant to this chapter
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