

1395.17 REFUSAL OF OWNER OR OCCUPANT TO CONSENT TO INSPECTION.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

COMPARATIVE SECTION TABLE

TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE

CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

TITLE ONE - Building Standards

TITLE THREE - Local Provisions

CHAPTER 1335 Licensing of Contractors

CHAPTER 1345 Certificates of Occupancy

CHAPTER 1351 Dangerous Buildings

CHAPTER 1352 Fences, Hedges and Walls (Repealed)

CHAPTER 1353 Flood Damage Prevention

CHAPTER 1354 Flood Hazards

CHAPTER 1355 Grades

CHAPTER 1356 Moving Buildings

CHAPTER 1357 Residential Driveways and Driveway Additions

CHAPTER 1361 Permits, Fees and Inspections

CHAPTER 1365 Pole Type Buildings (Repealed)

CHAPTER 1367 Construction Equipment and Vehicles (Repealed)

CHAPTER 1369 Dumpsters and Refuse Containers (Repealed)

CHAPTER 1371 Signs and Billboards (Repealed)

CHAPTER 1375 Swimming Pools (Repealed)

CHAPTER 1377 Smoke Detectors

CHAPTER 1379 Residential Construction Materials

CHAPTER 1381 Stables, Kennels and Animal Shelters

CHAPTER 1383 Metal Sheds and Accessory Buildings (Repealed)

CHAPTER 1385 Emergency Alarm Systems

CHAPTER 1387 Ground Satellite Stations

CHAPTER 1395 Real Property Maintenance Code

1395.01 SHORT TITLE.

1395.02 POLICY.

1395.03 PURPOSES.

1395.04 DEFINITIONS.

1395.05 APPLICABILITY.

1395.06 RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS GENERALLY.

1395.07 DUTIES OF OWNERS AND OPERATORS.

1395.08 ADMINISTRATION.

1395.09 EXISTING OFFENSES AND VIOLATIONS NOT DISCHARGED.

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

1395.11 INSPECTION AND STATUS REPORTS.

1395.12 SEPARABILITY.

1395.13 ANNUAL RENTAL PERMITS REQUIRED FOR MULTI DWELLING UNITS.

1395.14 BIENNIAL RENTAL PERMITS REQUIRED FOR SINGLE DWELLING UNITS.

1395.15 APPLICATION FOR RENTAL PERMIT.

1395.16 PERIODIC ADMINISTRATIVE INSPECTIONS OF RENTAL PROPERTY.

1395.17 REFUSAL OF OWNER OR OCCUPANT TO CONSENT TO INSPECTION.

1395.18 SUSPENSION OR REVOCATION OF PERMIT.

1395.19 ZONING CERTIFICATION REQUIRED.

1395.20 MAXIMUM OCCUPANCY.

1395.21 AUTHORIZED AGENT.

1395.22 NOTICE OF CHANGE OF OWNERSHIP.

1395.23 EXPIRATIONS AND RENEWALS.

1395.24 FEES.

1395.25 DISPLAY OF PERMIT.

1395.26 REINSTATEMENT.

1395.99 PENALTY AND EQUITABLE REMEDIES.

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1395.18 SUSPENSION OR REVOCATION OF PERMIT.

CHAPTER 1395 Real Property Maintenance Code

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 THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Repealed)
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