

ORDINANCE NO. 2023-O-06 (AMENDED)

AN ORDINANCE AMENDING CHAPTER 1462 – INSPECTIONS OF RENTAL HOUSING OF THE CODIFIED ORDINANCES

WHEREAS, the City adopted Chapter 1462 – Rental Inspections in 1997; and

WHEREAS, Council has decided that the City should only conduct inspections of the exterior of rental units and that it is also necessary to adjust the fees to reflect that fact and that in order to make these changes, the entire Chapter 1462 should be readopted in its entirety.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mentor-on-the-Lake, County of Lake and State of Ohio, as follows:

Section 1. That the original Codified Ordinance Chapter 1462 is now amended and readopted so that as amended and readopted it now reads in its entirety as follows:

1462.01 PURPOSE.

The purpose of this chapter is to ensure that the minimum standards that are set forth in the International Property Maintenance Code (“IPMC”), as adopted in Section 1460.01, and other applicable laws, are followed so as to make all rental units safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish inspection periods for inspecting rental units within the City so as to protect property values and to maintain the character and appearance of the community; to fix responsibilities of owners and occupants of the rental units with respect to sanitation; to provide for rehabilitation and reuse of existing structures and the application of this chapter's requirements to alterations and repairs; to fix the responsibilities of owners, operators and occupants of all such rental units; and to provide for administration, enforcement and penalties for this chapter.

1462.02 APPLICATION; INTERPRETATION.

(a) All rental units in the City of Mentor-on-the-Lake shall comply with the minimum standards that are established in the International Property Maintenance Code, as adopted

in Section 1460.01, as well as with all laws that have been promulgated by the City under this Part Fourteen - the Building and Housing Code and under Part Sixteen - the Fire Prevention Code.

(b) This chapter shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continued use and maintenance of rental structures and premises.

1462.03 ADMINISTRATION AND ENFORCEMENT.

(a) Certificate of Occupancy Required. After the effective date of this chapter, no owner, agent or person in charge of any single-family or multifamily rental structure shall rent, lease or permit to be occupied, any unit within said single-family rental or multifamily rental structure without a current and valid certificate of occupancy issued by the Zoning Inspector or a duly designated representative.

(b) Application and Issuance of Certificates of Occupancy Generally.

(1) Application for a certificate of occupancy shall be made triennially to the Zoning Inspector, or a duly designated representative, on forms provided therefor. Said application shall be accompanied by the required fees as set forth in subsection (d) hereof. Applications to renew valid certificates of occupancy shall be filed with the Zoning Inspector, or a duly designated representative, not less than sixty days prior to the expiration date of the current certification of occupancy.

(2) Upon receipt of an application for a certificate of occupancy, the Zoning Inspector, or a duly designated representative, shall schedule exterior inspections of the rental unit as necessary to determine its compliance with this chapter.

(3) If a rental unit is found to be in compliance with this chapter, a certificate of occupancy shall be issued for said unit(s), which shall be valid for a period not to exceed three years.

(4) If, upon the exterior inspection of the rental unit, it is determined that a violation of this chapter exists, notice of said violation shall be made to the owner or agent of the rental unit. The owner or agent shall obtain the proper permits as required by these Codified Ordinances and the laws of the State of Ohio to correct the noted violations. No certificate of occupancy shall be issued until the violations have been corrected and the repairs inspected and approved.

(5) In addition to the triennial inspection, an application for a certificate of occupancy shall also be made to the Zoning Inspector, or a duly designated representative, not less than thirty days after a change in ownership has been completed.

(c) Application and Issuance of Certificates of Occupancy for Existing Occupancies. Within 120 days of the adoption of this chapter, the owner or agent of each single-family and multifamily rental structure shall submit to the Zoning Inspector, or a duly designated representative, an application for a certificate of occupancy for each such single-family and multifamily rental structure. Units occupied at the time of adoption of this chapter may continue to be occupied until such time as an inspection has been made by the Zoning Inspector, or a duly designated representative, after which all units shall comply with all of the provisions of this chapter.

(d) Fees. A fee not to exceed the following amounts shall be charged for the triennial inspection as follows:

- (i) , Thirty dollars (\$30.00) for a single rental unit;
- (ii) One Hundred dollars (\$100.00) for 2 - 5 units;
- (iii) One Hundred Fifty dollars (\$150.00) for 6 - 10 units;
- (iv) Two Hundred Fifty dollars (\$250.00) for 11 - 20 units; and
- (v) Three Hundred Fifty dollars (\$350.00) for 21 plus units

The fee shall be equal to the cost of the inspection plus an additional ten percent of such amount for administrative costs of the City. The cost of the fee shall be reviewed at least every five (5) years.

(e) Duties of Zoning Inspector. It shall be the duty and responsibility of the Zoning Inspector, or the representative duly designated by the Mayor, to enforce the provisions of this chapter as herein provided.

(f) Notice of Violations.

(1) Whenever the Zoning Inspector, or a duly designated representative, determines that a single-family rental unit or a multifamily rental structure, or any portion thereof, is in violation of any provision of this chapter, he or she shall give written notice as is required in the International Property Code, as adopted in Section 1460.01, to the owner, agent or person in charge of the single-family rental unit or the multifamily rental structure, stating the nature of said violation and establishing a period of time for correction or repair to be determined by the Inspector.

(2) Service of said notice shall be pursuant to the methods of service that are provided in the International Property Maintenance Code, as adopted in Section 1460.01.

As a supplement to the methods of service set forth in the IPMC, the following service requirements shall also apply:

In the event that the certified mail notice is refused, and the certified or express mail envelope is returned with an endorsement showing such refusal, or the return of the person serving process states that service of process has been refused, service shall occur by sending the notice out by regular mail to be served to the owner and/or occupant at the address set forth in the notice. The mailing shall be evidenced by a certificate of mailing which shall be completed and filed by the City. Service shall be deemed complete when the notice is mailed, as evidenced by the certificate of mailing. If a certified or express mail envelope is returned with an endorsement showing that the envelope was unclaimed, service shall occur by sending the notice out by regular mail to be served to the owner and/or occupant at the address set forth in the notice. The mailing shall be evidenced by a certificate of mailing which shall be completed and filed by the City. Service shall be deemed complete when the notice is mailed, as evidenced by the certificate of mailing.

(g) Correction of Violations. All alterations or repairs to an existing building which are caused directly or indirectly by the enforcement of this chapter shall be done in accordance with the applicable procedures and provisions of these Codified Ordinances and the applicable laws of the State of Ohio.

(h) Failure to Correct or Comply. Whenever the owner of a single-family rental unit or multifamily rental structure fails, neglects or refuses to comply with any notice of the Zoning Inspector, or a duly designated representative, within the time period specified in any notice of violation, said owner shall be considered to be in violation of this chapter, and the City of Mentor-on-the-Lake shall proceed at law to compel compliance and to prosecute said violation.

(i) Appeals. Any owner and/or occupant who is served a notice of violation of any of the provisions of this chapter shall have the right to appeal to the Board of Zoning Appeals of the City of Mentor-on-the-Lake, provided that a written application for appeal is filed within ten days after the day the decision, notice or order was served with the clerk of the Board of Zoning Appeals on forms that are provided for such purpose. An application for appeal shall be based on a claim that the true intent of the International Property Maintenance Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the International Property Maintenance Code do not fully apply, or the requirements of this chapter are adequately satisfied by other means. Said

appeal shall be scheduled for a hearing before the Board of Zoning Appeals. The fee for filing an appeal shall be ten dollars (\$10.00).

The Board of Zoning Appeals shall not be required to publish the notice of hearing in a paper of general circulation, but the Board of Zoning Appeals shall provide written notice to the owner and/or occupant of the time and place of the hearing at least seven days in advance of the hearing at the address that is specified in the appeal form. The owner and/or occupant may waive the right to such written notice.

The appellant shall have the right to appear in person and with counsel. The hearing before the Board of Zoning Appeals shall be conducted pursuant to these Codified Ordinances and pursuant to the general law. In the event of any conflict between the general law and these Codified Ordinances, these Codified Ordinances shall prevail as to all questions that relate to the conduct of the hearing. A record of the decision of the Board of Zoning Appeals shall be filed pursuant to Section 1244.03 of these Codified Ordinances. The quorum requirements and vote of the Board of Zoning Appeals shall be pursuant to the requirements set forth in Section 1244.02 of these Codified Ordinances.

1462.04 ADMINISTRATIVE SEARCH WARRANT TO ALLOW INSPECTION.

(a) Inspection. If the owner, occupant, or agent does not consent to the proposed inspection for any reason, the Zoning Inspector or his designee official may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten calendar days after the non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this section. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;
- (5) Violations apparent from City records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation;
- (9) Condition of similar properties in the area;

- (10) Documented violations on similar properties in the area;
- (11) Passage of time since last inspection;
- (12) Previous violations on the property.

(b) If the court declines to issue a warrant or if no warrant is sought, the exterior inspection shall still take place but the scope thereof shall be limited to such areas as are in plain view. A limited-scope inspection conducted pursuant to this division shall be considered an "inspection" for purposes of this chapter and all other provisions of this chapter. No criminal penalty shall attach, nor shall any certificate of occupancy be denied solely by reason of the owner's, occupants, or agent's refusal to consent to a full inspection.

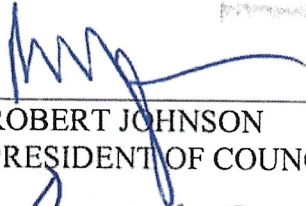
1462.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred fifty dollars (\$150.00). For a second or subsequent offense, such person shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after due notice has been served, in accordance with the terms and provisions of this chapter or with other applicable law.

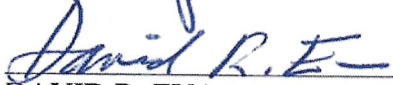
(b) The imposition of any penalty, as provided in subsection (a) hereof, shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building, structure or premises; or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Zoning Inspector or a duly designated representative, the Mayor, the Administrative Director, the Board of Zoning Appeals or the Planning Commission.

Section 2. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which 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.

WHEREFORE, this Ordinance shall be in full force and effect as provided in law upon its passage by Council and approval by the Mayor.



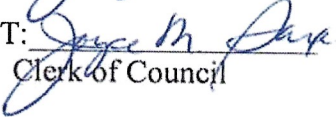
ROBERT JOHNSON
PRESIDENT OF COUNCIL



DAVID R. EVA,
MAYOR

Dated: 7/25/23

ADOPTED: July 25, 2023

ATTEST: 
Clerk of Council