

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES**

CHAPTER 1347: INSPECTION OF RESIDENTIAL RENTAL STRUCTURES

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**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.01 FINDINGS AND PURPOSE.**

§ 1347.01 FINDINGS AND PURPOSE.

It is hereby found and declared that there exist in the city single-family dwelling structures, two-family dwelling structures, multiple-family dwelling structures and apartment buildings wherein the dwelling unit or units are leased to others for habitation and which are, or may become in the future, substandard with respect to structure, equipment or maintenance; or further, that such conditions including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of such structures, infestation, existence of fire hazards and unsanitary conditions constitute a menace to the peace, health, safety, welfare and reasonable comfort of the residents of the city. It is further found and declared that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions; and that if the same are not curtailed and removed, such conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate same; and that by reason of timely regulation as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of rental single-family dwelling units, multiple-family dwelling units and apartment house uses and neighborhoods may be enhanced, and the public peace, health, safety and welfare protected and improved.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.02 DEFINITIONS.**

§ 1347.02 DEFINITIONS.

The following words and phrases shall have the following definitions for the purposes of this chapter:

DWELLING. A building, or portion thereof, designed or used exclusively for residential occupancy; including one-family dwellings, two-family dwellings, multiple-family dwellings, but not including hotels or motels, camp cars, trailers, or any other vehicle on or off wheels.

DWELLING STRUCTURE. A building or structure, or part thereof, used or designed or intended to be used for residential purposes.

DWELLING UNIT. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family.

HOTEL or MOTEL. An establishment that is open to transient guests for remuneration and for periods of time not exceeding thirty (30) days, as opposed to a boarding, rooming or lodging house.

MULTIPLE DWELLING. A building containing the following:

- (1) Three (3) or more dwelling units;
- (2) Two (2) or more dwelling units above the first or ground floor; or
- (3) One (1) or more dwelling units if the building also contains a use other than a dwelling use or an area designed for such other use.

The words **MULTIPLE DWELLING** and **APARTMENT BUILDING** are synonymous.

OCCUPANT. A person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or a room.

OPERATOR. A person who has charge, care or control of a dwelling structure.

OWNER. The owner of the premises, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.

RENTAL UNIT.

(1) Any dwelling unit or rented room within a single-family dwelling, duplex and two-family dwelling, multi-family dwelling, and apartment building, where either of the following conditions exists:

A. Consideration in the form of money or other valuable consideration is being paid for occupying such rental units; or

B. A person other than the fee simple owner of the property or his or her family as defined in § 1113.07 of the Planning and Zoning Code is occupying such rental unit, whether or not such person is paying consideration.

- (2) The term **RENTAL UNIT** does not include a room for rent in a hotel as defined in this section.

RESIDENT AGENT. A person, corporation, or other legal entity which an owner of improved real property has retained to manage, maintain or otherwise be in control of any rental unit, dwelling structure, or apartment building contained on the improved real property.

TWO-FAMILY DWELLING UNIT. A building consisting of two dwelling units, one above the other, side by side, or otherwise situated, having either a separate or combined entrance or entrances.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.03 CERTIFICATE OF OCCUPANCY.**

§ 1347.03 CERTIFICATE OF OCCUPANCY.

(a) No person shall occupy, and no owner, operator or resident agent shall permit a person to occupy a rental unit unless the Building Commissioner has issued a certificate of occupancy for such rental unit which certificate has not expired, been revoked or otherwise become null and void.

(b) (1) Application for a certificate of occupancy shall be made separately for each rental unit by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the following:

- A. The name, address and telephone number of the owner of the property;
- B. The name, address and telephone number of the resident agent of the property if one is required by § 1347.05(c);
- C. The address of the property and the number of rental units contained within the property;
- D. The current name, address, business and/or home telephone number, of the persons who, since the last application, have been occupying each rental unit, and the address or other identification of the rental unit which they occupied;
- E. The name, address and telephone number of the building superintendent, janitor or caretaker, or such other person responsible for maintenance of the building and grounds.

(2) The Building Commissioner shall issue a certificate of occupancy for a rental unit if, after an interior and exterior inspection, it is found to be in compliance or substantial compliance with the provisions of the of the Codified Ordinances of the city and all other laws, ordinances, rules and regulations applicable thereto.

(3) The certificate of occupancy shall not be valid beyond December 31 of the fifth calendar year subsequent to its issuance or upon the rental or re-rental of the rental unit which occurs at least two (2) but less than five (5) years after its issuance whichever event occurs first.

- (4) The Building Commissioner may deny an application for a certificate of occupancy or revoke a

certificate of occupancy if any false statement is made by the applicant in connection with the issuance of such certificate, or for noncompliance of a rental unit, dwelling structure, or apartment building or its use with the requirements of the Codified Ordinances of the city, or if the owner, operator, occupant or agent or person in charge of a rental unit, dwelling structure, or apartment building refuses to comply with any applicable provision of the Codified Ordinances of the city.

(c) (1) Every application for a certificate of occupancy or renewal thereof shall be accompanied by a nonrefundable fee of \$25.00.

(2) An application for renewal of a certificate of occupancy shall be submitted to the Building Commissioner no earlier than thirty (30) days prior to the expiration date of the certificate and no later than the expiration date.

(d) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Building Commissioner that a violation of the city's Building, Housing, Health or Fire Codes exists upon the property.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.04 FORMS, RULES AND
REGULATIONS.**

§ 1347.04 FORMS, RULES AND REGULATIONS.

The Building Commissioner is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.05 NOTICE OF VIOLATION;
DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING NOTICE.**

**§ 1347.05 NOTICE OF VIOLATION; DESIGNATION OF RESIDENT AGENT; MAIL AND POSTING
NOTICE.**

(a) Whenever the Building Commissioner, or his or her designee, finds any rental unit, dwelling structure, or apartment building, to be in violation of the provisions of this chapter or other provisions contained in the Codified Ordinances of the city, the Building Commissioner shall give or cause to be given or mailed to the owner, operator, resident agent or occupant of such rental unit, dwelling structure, or apartment building a written notice stating the violation therein. Such notice shall order the owner, operator, resident agent or occupant within a stated reasonable time, but not less than ten (10) days, except for emergencies as provided in this section, to repair, improve or demolish the rental unit, dwelling structure, or apartment building concerned. Such delivery or mailing shall be deemed legal

service of notice.

(b) Whenever, in the opinion of the Building Commissioner, or his or her designee, the condition of the rental unit, dwelling structure, or apartment building, or part thereof, constitutes an immediate hazard to human life or health, he or she shall declare a case of emergency and shall order immediate vacation of the rental unit, dwelling structure, or apartment building, or part thereof. Such notice shall be served in the manner provided in division (a) of this section, but shall require immediate compliance.

(c) If the owner of any rental unit, dwelling structure, or apartment building is not a resident of Cuyahoga County, such owner shall designate and file with the Building Commissioner the name, address and telephone number of a resident agent who is a resident or has a place of business within Cuyahoga County for the purpose of receiving all notices of inspection, orders, or otherwise from the city relative to this chapter. Service of notice upon such resident agent shall be deemed to be notice upon the owner. Any such notice shall also be sent by certified mail to the last known address of the owner. Notice may also be posted in a conspicuous place on the rental unit, dwelling structure, or apartment building to which it relates. No person shall remove or deface such posted notice without the written permission of the Building Commissioner.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.06 RIGHT OF APPEAL.**

§ 1347.06 RIGHT OF APPEAL.

The owner, operator, or resident agent of any rental unit, dwelling structure, or apartment building shall have the right to appeal from any order of, or written notice issued by the Building Commissioner or his or her designee, as provided for in Chapter 1197 of the Codified Ordinances of the city. Except in cases of emergency as set forth in § 1347.05(b), filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board of Zoning Appeals.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.07 COMPATIBILITY WITH STATE
LAW AND REGULATIONS; SEVERABILITY.**

§ 1347.07 COMPATIBILITY WITH STATE LAW AND REGULATIONS; SEVERABILITY.

(a) Nothing herein is intended to conflict with any state law or regulation pertaining to multi-family or apartment buildings, including but not limited to provisions of the Ohio Building Code.

(b) If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

(Ord. 4226, passed 12-20-05)

**PART THIRTEEN - BUILDING CODE / TITLE THREE - Local Provisions / CHAPTER 1347:
INSPECTION OF RESIDENTIAL RENTAL STRUCTURES / § 1347.99 PENALTY.**

§ 1347.99 PENALTY.

Whoever violates any provisions contained in this chapter is guilty of a misdemeanor of the third degree upon conviction or pleading guilty for the first offense, and whoever violates any of the provisions contained in this chapter shall be deemed guilty of a misdemeanor of the second degree upon conviction or pleading guilty for the second offense, and whoever violates any of the provisions contained in this chapter shall be deemed guilty of a misdemeanor of the first degree upon conviction or pleading guilty for the third or subsequent offenses.

(Ord. 4226, passed 12-20-05)