

ORDINANCE NO. 2019-33

Introduced by Trey Hardy

AN ORDINANCE AMENDING SECTIONS 1369.01-DEFINITIONS, 1369.02-PURPOSE, 1369.03 RENTAL LICENSE/CERTIFICATE OF OCCUPANCY, 1369.04-FEES, 1369.05-MAINTENANCE RESPONSIBILITIES, 1369.06-ENTRY AND INSPECTION, 1369.07-REPORTS AND REINSPECTION, AND 1369.08-CHANGE OF OWNERSHIP OF CHAPTER 1369 - TRANSIENT RENTAL PROPERTY OF THE CITY OF HURON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

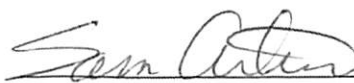
SECTION 1. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby are amended.

SECTION 2. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron are hereby amended to read as follows: (refer to Exhibit "B" attached).

SECTION 3. That Sections 1369.01-Definitions, 1369.02-Purpose, 1369.03-Rental License/Certificate of Occupancy, 1369.04-Fees, 1369.05-Maintenance Responsibilities, 1369.06-Entry and Inspection, 1369.07-Reports and Reinspection, and 1369.08-Change of Ownership of Chapter 1369 - Transient Rental Property of the Codified Ordinances of the City of Huron, as existing prior to the adoption of this Ordinance shall be, and the same hereby are, repealed.

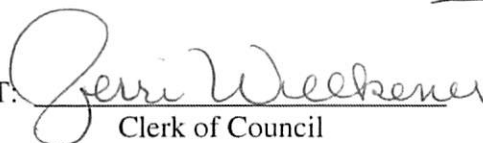
SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 5. This ordinance will take effect upon passage and shall not be subject to referendum per Sec. 3.06 of the Charter for the City of Huron.



Sam Artino, Mayor

ATTEST:



Clerk of Council

ADOPTED:

10 MAR 2020

CHAPTER 1369
Transient Rental Property

1369.01	Definitions.	1369.06	Entry and inspections.
1369.02	Purpose.	1369.07	Reports and reinspection.
1369.03	Rental license/certificate of occupancy.	1369.08	Change of ownership.
1369.04	Fees.	1369.09	Severability.
1369.05	Maintenance responsibilities.	1369.99	Penalty; legal action.

CROSS REFERENCES

Appeal, hearing and variances - see BLDG. Ch. 1355

Condemnation proceedings - see BLDG. Ch. 1357

Removal of unsafe buildings - see BLDG. Ch. 1358

1369.01 DEFINITIONS.

As used in this chapter:

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- (c) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.
- (d) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances unit, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant.
- (e) "Life Safety Inspection" means that inspection performed by the Building Official or his designee that consists of the following:
 - (1) Testing of all electrical receptacles;
 - (2) Check for and test smoke detectors and CO2 detectors;
 - (3) Check for improper wiring;
 - (4) Check electrical panel

- (5) Check all light fixtures at all stairways and exterior doors;
 - (6) Check furnace and water heaters;
 - (7) Check for leaking water, gas and waste lines;
 - (8) Check for removal of all refuse, garbage and debris.
- (f) "Transient Guest" has the same meaning as the term is used in Section 189.02(k) of the Codified Ordinances.
- (g) "Transient Rental Property" means any Dwelling Unit, Residential Premises, or any other residential property being utilized or otherwise made available for rent to Transient Guests within the City.

1369.02 PURPOSE.

The purpose and intent of this section is to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of any Transient Rental Property.

1369.03 TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.

- (a) **Required.** Effective January 1, 2020, there is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of Transient Rental Property to register with the City each and every individual Transient Rental Property in the City. Beginning May 1, 2020, every Transient Rental Property must be issued a Transient Occupancy Registration Certificate before being used or otherwise made available for rent to a Transient Guest. If the ownership of any Transient Rental Property changes, then the new owner shall secure a new Transient Occupancy Registration Certificate within thirty (30) days of any ownership change. The owner/operator of each Transient Rental Property shall comply with the following:
- (1) Any Transient Rental Property shall display a Transient Occupancy Registration Certificate in a location that can be easily observed from public streets or sidewalks.
 - (2) No person shall be allowed to make a Transient Rental Property available for rent to Transient Guests if such Transient Rental Property is in violation of any of the provisions of the City of Huron's health code, building code, or zoning regulations.
 - (3) No person shall display a Transient Occupancy Registration Certificate or rent a Transient Rental Property if said Transient Rental Property has had its Transient Occupancy Registration Certificate suspended, revoked, or denied.
 - (4) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests prior to obtaining a valid Transient Occupancy Registration Certificate.
 - (5) No person shall allow a Transient Rental Property to be listed or advertised for rent to Transient Guests if the Transient Occupancy Registration Certificate has been suspended, revoked, or denied.

(b) **Issuance.**

- (1) Application for a Transient Occupancy Registration Certificate required by the provisions of this chapter shall be made by supplying the information and date to determine the compliance with the requirements of the Life Safety Inspection requirements set forth in this Chapter, as well as all applicable provisions the Codified Ordinances of the City of Huron which govern the existing use or occupancy or the intended use or occupancy of property and the regulations governing all buildings and structures on such properties on forms supplied by the Building Department and/or the Administrator, as the term is used in Chapter 189 of the Codified Ordinances. Upon completion of such application and submission of the required fee, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate. Upon obtaining a Transient Occupancy Registration Certificate, the owner, agent or person in charge of any Transient Rental Property shall comply with the provisions of this Chapter.
- (2) The Building Official or his designee shall cause a general inspection of any Transient Rental Property that is or will be made available for rent to Transient Guests.
- (3) If it is found that a Transient Rental Property to be made available for rent to Transient Guests is in compliance with the inspection provisions of the City Building Code, the Building Official or his designee shall issue a Transient Occupancy Registration Certificate for such Transient Rental Property which shall contain the following information: the name, address and telephone number of the owner(s); the address of each Transient Rental Property; and, if someone other than the owner(s) is responsible for maintenance or repairs to said Transient Rental Property, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs.

(c) **Revocation.** The Building Official or his designee shall have the power to revoke a Transient Occupancy Registration Certificate if any false statement is made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a Transient Rental Property with the requirements of this chapter, or the if the owner, agent or person in charge of a Transient Rental Property refuses to comply with any provisions of this chapter.

(d) **Term.** A Transient Occupancy Registration Certificate issued pursuant to this chapter shall be valid for twelve months from the application date or until a change in ownership occurs. Applications will be reviewed on a rolling basis. From the time an application is submitted until an inspection report is completed and issued to the applicant, the applicant is deemed to have an approved temporary Transient Occupancy Registration Certificate whose duration shall last only from the date an application is submitted (along with all required fees) until the date when the inspection report is completed.

1369.04 FEES.

- (a) **Registration Fee.** On or before January 15 of each year, the Building Official and the Administrator, as the term is defined by Chapter 189 of the Codified Ordinances, shall present to City Council a fee schedule that itemizes the fees charged to applicants for a Transient Occupancy Registration Certificate. Council may approve or modify the proposed fee schedule upon motion and affirmative vote of a simple majority of Council.

1369.05 MAINTENANCE RESPONSIBILITIES.

- (a) The owner(s), agent(s) or person(s) in charge of every Transient Rental Property shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of applicable requirements of Title 13 of the Codified Ordinances and the requirements established by the City administratively. The owner shall also be responsible to maintain in a safe and sanitary condition the shared or common areas of the premises.
- (b) The occupant(s) of a Transient Rental Property shall be responsible for maintaining in a safe and sanitary condition that part of the unit and premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintain in a safe condition all equipment and appliances which he or she owns.

1369.06 ENTRY AND INSPECTION.

- (a) The Building Official or his designee is authorized and directed to cause inspections to be made of all Dwelling Units, Residential Premises, or any other residential property to be listed or advertised for rent to Transient Guests which is subject to this Chapter 1369 of the Codified Ordinances, and the grounds surrounding such properties located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. The owner, operator, or occupant of every rental unit may, upon the request of the Building Official or his designee, give the Building Official or his designee free access to the property, at reasonable times, for the purpose of inspection. In the event access to any private property is refused, the Building Official or his designee with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the property. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of private property.
- (b) All owners/operators of Transient Rental Property within the City of Huron shall cause to have each Transient Rental Property inspected by the Building Official or his designee on an as-needed basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Transient Occupancy Registration Certificate.

1369.07 REPORTS AND REINSPECTION.

- (a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the Transient Rental Property within fourteen (14) days. If the Building Official and his designee(s) cannot complete an inspection report within fourteen (14) days, then the Transient Rental Property Registration Certificate shall be deemed to be temporarily approved until such time as the required inspection or reinspection is completed.
- (b) Violations enumerated in the inspection report shall be abated by the owner/operator of the Transient Rental Property within thirty (30) days from the date of the inspection report. A reinspection shall be required to verify that the violations have been corrected. The owner/operator of the Transient Rental Property shall contact the Building Official or his designee to schedule the required reinspection.
- (c) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this chapter and may result in the revocation of the Transient Occupancy Registration Certificate.

1369.08 CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership or control of a Transient Rental Property shall notify the Building Official of said change in ownership within fourteen (14) calendar days of the effective date of the transfer. Such notice shall be in writing and shall include: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner. New owners must register Transient Rental Property in accordance with the provisions of this code.

1369.09 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1369.99 PENALTY; LEGAL ACTION.

- (a) Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder shall be guilty of a first degree misdemeanor and subject to a maximum fine of one thousand dollars (\$1,000.00) or a maximum imprisonment term of six (6) months or both, with the special restriction that each violation shall result in at least a minimum fine of two hundred fifty dollars (\$250.00).
- (b) The imposition of any penalty as provided for in this chapter shall not preclude the Director of Law 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, or premises, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations.