

ORDINANCE NO. 2018-33

AN ORDINANCE REPEALING CHAPTER 1369-ROOMING HOUSES OF THE CITY OF HURON CODIFIED ORDINANCES; AND REPLACING IT WITH CHAPTER 1369-RENTAL REGISTRATION OF THE CITY OF HURON CODIFIED ORDINANCES.

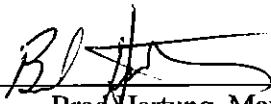
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That City Council has determined it is in the best interest of the residents of the City of Huron to regulate the health, safety and wellness of the public, including the owners, occupants, and neighboring property owners of properties being utilized for transient occupancy within the City.

SECTION 2. That Chapter 1369-Rooming Houses of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit "A" attached), shall be and hereby is repealed and replaced with Chapter 1369-Transient Rental Property which reads as follows: (refer to Exhibit "B" attached).

SECTION 2. 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 3. This ordinance will take effect thirty (30) days following adoption.

  
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Brad Hartung, Mayor

ATTEST:   
Clerk of Council

ADOPTED: 03 JAN 2019

EXHIBIT A

**CHAPTER 1369  
Rooming Houses**

1369.01	<b>Compliance.</b>	1369.05	<b>Enforcement.</b>
1369.02	<b>Permit; fee.</b>	1369.06	<b>Minimum requirements.</b>
1369.03	<b>Denial of permit.</b>	1369.07	<b>Correction of violations;</b>
1369.04	<b>Inspections; right of entry.</b>		<b>notices; hearing.</b>

**CROSS REFERENCES**

Appeal, hearing and variances - see BLDG. Ch. 1355  
Condemnation proceedings - see BLDG. Ch. 1357  
Removal of unsafe buildings - see BLDG. Ch. 1358

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**1369.01 COMPLIANCE.**

No person shall operate a rooming house or shall occupy or let to another for occupancy any room unit in any rooming house, except in compliance with the applicable provision of every section of these regulations. (Ord. 1972-6. Passed 1-10-72.)

**1369.02 PERMIT; FEE.**

(a) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Commissioner in the name of the operator for the specific rooming house. This permit shall be displayed in a conspicuous place within the rooming house at all times. Every rooming house permit shall expire at the end of one year following its date of issuance.

(b) The operator shall apply to the Health Commissioner for such permit, which shall be issued by the Commissioner upon compliance by the operator with the applicable provisions of these regulations.

(c) A rooming house permit is not transferable. When a person who holds a rooming house permit transfers his interest in or control of a rooming house he shall notify the Health Commissioner in writing within twenty-four hours. Such notice shall include the name and address of the person succeeding to the ownership or control of the rooming house.

(d) A permit fee of ten dollars (\$10.00) for the first five dwelling units and one dollar (\$1.00) for each additional unit shall be paid to the County Health Commissioner. The minimum fee shall be ten dollars (\$10.00) for any rooming house.  
(Ord. 1972-6. Passed 1-10-72.)

EXHIBIT A

**1369.03 DENIAL OF PERMIT.**

(a) When the Health Commissioner denies an application for a rooming house permit, he shall notify the applicant in writing. A notice of denial shall include the date of denial, the time within which a request for hearing may be made and a brief statement of the facts upon which the denial was based.

(b) Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing before the Commissioner under the procedure provided by Section 1369.07. (Ord. 1972-6. Passed 1-10-72.)

**1369.04 INSPECTIONS; RIGHT OF ENTRY.**

Upon presentation of proper credentials or proper identification, the Health Commissioner may enter at reasonable times any building, structure or premises in the City to perform any duty imposed on him by these regulations. No person shall in any way obstruct, hinder, delay or otherwise interfere with the Commissioner in such entrance.

(Ord. 1972-6. Passed 1-10-72.)

**1369.05 ENFORCEMENT.**

(a) Whenever upon inspection of any rooming house the Health Commissioner finds that conditions or practices exist which are in violation of any provision of these regulations, the Commissioner shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Commissioner, the operator's rooming house permit shall be suspended. At the end of such period the Commissioner shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing that the permit has been suspended.

(b) Any person whose permit to operate a rooming house has been suspended, or who has received a written notice that his permit is to be suspended unless an existing violation is corrected, may request and shall be granted a hearing before the Health Commissioner, under the procedure provided by Section 1369.07. If no petition for a hearing is filed within ten days after the date the permit was suspended, the permit shall be automatically revoked. Upon receipt of notice of revocation, the operator shall immediately cease operation of the rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein. (Ord. 1972-6. Passed 1-10-72.)

**1369.06 MINIMUM REQUIREMENTS.**

(a) At least one flush watercloset, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Commissioner and in good working condition, shall be provided for each ten persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities. However, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-third the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all person sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Commissioner.

EXHIBIT A

(b) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(c) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet for each additional occupant.

(d) Every rooming unit shall have at least one safe, unobstructed means of egress leading to safe, open space at ground level and to a public street or alley without having to pass through any other rooming unit.

(e) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings; for maintenance of sanitary conditions in every other part of the rooming house and for the sanitary maintenance of the premises of the rooming house.

(f) Every provision of this regulation which applies to rooming houses shall also apply to hotels, motels, tourist homes, except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State board or agency. (Ord. 1972-6. Passed 1-10-72.)

**1369.07 CORRECTION OF VIOLATIONS; NOTICES; HEARING.**

(a) Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give written notice of such alleged violation to the person or persons responsible, therefore allowing a reasonable time for the correction of the alleged violation.

(b) Any person affected by any notice of an alleged violation may request and shall be granted a hearing before the Health Commissioner provided the request for such hearing is made within the number of days specified in the notice.

(c) After such hearing the Commissioner shall sustain, modify or withdraw the notice, depending upon his finding as to whether the provisions of the regulations have been complied with.

(d) Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency.

Notwithstanding the other provisions of this chapter, such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter have been complied with, the Commissioner shall continue such order in effect, or modify or revoke it. (Ord. 1972-6. Passed 1-10-72.)

**CHAPTER 1369**  
**Transient Rental Property**

<b>1369.01</b>	<b>Definitions.</b>
<b>1369.02</b>	<b>Purpose.</b>
<b>1369.03</b>	<b>Rental License/Certificate of Occupancy.</b>
<b>1369.04</b>	<b>Fees.</b>
<b>1369.05</b>	<b>Maintenance Responsibilities.</b>
<b>1369.06</b>	<b>Entry and Inspection.</b>
<b>1369.07</b>	<b>Reports and Reinspection.</b>
<b>1369.08</b>	<b>Change of Ownership.</b>
<b>1369.09</b>	<b>Severability.</b>
<b>1369.99</b>	<b>Penalties.</b>

**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 consisting 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.

**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 properties being utilized for transient occupancy within the City.

**1369.03      RENTAL LICENSE/CERTIFICATE OF OCCUPANCY.**

(a) Required. There is hereby created a Residential Rental Property Registration System for the City of Huron that requires owners of residential rental property units located within the City to

register each of their rental units. Rental units will be required to be renewed within thirty (30) days of any ownership change. The owner/operator of the rental unit shall comply with the following:

- (1) A property being utilized as a transient rental property shall visibly display a Rental License/Certificate of Occupancy outside the main entry of the property.
- (2) No person shall be allowed to transient rent a dwelling that is in violation of the City of Huron's health code, building code, or zoning regulations.
- (3) No person shall display a Rental License/Certificate of Occupancy or allow transient occupancy of a dwelling that has had its License/Certificate suspended, revoked, or denied.
- (4) No person shall allow a dwelling to be listed or advertised as a transient rental prior to obtaining a valid Rental License/Certificate of Occupancy.
- (5) No person shall allow a dwelling to be listed or advertised as a transient rental if the Rental License/Certificate of Occupancy has been suspended, revoked, or denied

(b) Issuance.

(1) Application for a Rental License/Certificate of Occupancy 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 and compliance with the Residential Building Code of Ohio and Property Maintenance Code for the City of Huron for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Department. Upon completion of such application and submission of the required fee, the Building Official shall issue a Rental License. Upon obtaining a Rental License, the owner, agent or person in charge of any building or unit thereof shall comply with the provisions of this Chapter to obtain a Certificate of Occupancy.

(2) The Building Official shall cause a general inspection of the building and premises to be made.

(3) If it is found that a building and premise is in compliance with the inspection provisions of this chapter regarding a Life Safety Inspection, the Building Official shall issue a Certificate of Occupancy for such building and the rental units thereof which shall contain the following information: the name, address and telephone number of the owner(s); the address of each structure and premises with a rental unit; the number of rental units within each structure and premises; and, if someone other than the owner(s) is responsible for maintenance or repairs to a rental unit, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs, along with identification of the rental units for which they are responsible.

(c) Revocation. The Building Official shall have the power to revoke a Rental License/Certificate of Occupancy if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a building or rental unit thereof with the requirements of this chapter, or the owner, agent or person in charge of a building or rental unit thereof shall refuse to comply with any provisions of this chapter.

(d) Term. A Rental License/Certificate of Occupancy issued pursuant to this chapter shall be valid for twenty-four months from the application date or until a change in ownership of the rental unit.

**1369.04 FEES.**

(a) Registration Fee. All rental units, including but not limited to, single family buildings or residential units located within a single building shall pay the registration fee for a Rental License/Certificate of Occupancy. Fees shall not be prorated for partial year issuance.

One Rental Unit	\$50.00
Two to Five Rental Units	\$100.00
Six or more Rental Units	\$100.00 plus \$15.00 per unit

(b) Reinspection Fee. The initial inspection and a maximum of one reinspection is of the rental unit is included in the application fee paid to the City for the Rental License/Certificate of Occupancy. Any subsequent reinspection will require a reinspection fee of \$50.00 per rental unit.

**1369.05 MAINTENANCE RESPONSIBILITIES.**

(a) The code used in determining whether the conditions of property and premises are maintained in an approved manner shall be the Property Maintenance Code as adopted or may be amended by the City of Huron, and the Residential Building Code of Ohio.

(b) The owner(s), agent(s) or person(s) in charge of every residential rental unit or structure shall be responsible for the maintenance thereof in good repair and safe condition in compliance with the requirements of this chapter 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.

(c) The occupant(s) of a residential rental unit or premises 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 is authorized and directed to cause exterior inspections to be made of all dwellings, and the grounds surrounding such dwellings located within the City of Huron, with the inspection to include only those items which can be inspected by lawful means. In the event the Building Official has reason to believe that a code violation may have occurred within a dwelling unit, he is authorized and directed to inspect the remainder of the premises. The owner, operator or occupant of every rental unit may, upon the request of the Building Official, give the Building Official free access to the property, at reasonable times, for the purpose of inspection. In the event access to the premises is refused, the Building Official 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 premises. 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 property except as provided by law.

(b) All owners/operators of rental units within the City of Huron shall cause to have each rental unit inspected by the Building Official on an annual basis to determine compliance with this Chapter. A failure to permit the inspection shall be cause for revocation of the Rental License/Certificate of Occupancy.

**1369.07        REPORTS AND REINSPECTION.**

(a) Upon completion of an inspection, an inspection report will be issued to the agent/owner of the rental unit within fourteen (14) days.

(b) Violations enumerated in the inspection report shall be abated by the owner/operator of the rental unit 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 rental unit shall contact the Building Official 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 Rental License.

**1369.08        CHANGE OF OWNERSHIP.**

Any person selling or otherwise relinquishing ownership control of a rental unit 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, or to any dwelling rooming unit, other than to who and for which it was issued. New owners must register rental units in accordance with the provisions of this code.

**1269.09        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.

(Ord. 2018-33, Passed 1-8-19)