

ORDINANCE O-2010-15

AN ORDINANCE AMENDING § 1341.08 OF THE HOUSING MAINTENANCE AND OCCUPANCY CODE BY ADDING A PROVISION FOR THE COLLECTION OF UNPAID HOUSING RENTAL LICENSE FEES

WHEREAS, the Housing Inspector requested that the Service Committee consider amending the Housing Maintenance and Occupancy Code to allow for the collection of unpaid housing rental license fees through assessment; and

WHEREAS, the Service Committee considered such request at its May 5, 2010 regular meeting and determined that the code should be so amended and, therefore, recommends to Council that the code be amended as set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Windham, Portage County and State of Ohio, the majority or more of the members thereto concurring that:

Section 1: Codified Ordinance § 1341.08, Ordinance # 1320, passed December 12, 1989, be, and hereby is, amended by adding subsection (j), effective July 30, 2010, as follows:

(j) When the license fee described in this § 1341.08 is not paid by July 31 of the calendar year in which it is due, the Housing Inspector shall notify the Fiscal Officer who may do either or both of the following:

(1) Certify the amount to the County Auditor, who shall place the certified amount on the real property tax list and duplicate against the subject property (the property subject to inspection and payment of the license fee). The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding Ohio R.C. 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid license fee. The lien shall be released immediately upon payment in full of the certified amount. Unless the Fiscal Officer determines that a transfer of the property is about to occur, the Fiscal Officer may only make a certification under this regulation if the license fee has been due and unpaid for at least sixty (60) days and the Fiscal Officer or other official or body has provided the owner of the property with written notice of the impending certification at least thirty (30) days prior to the certification; or

(2) Collect the license fee amount by actions at law, in the name of the Village from an owner.

Upon collection of the license fee, the Housing Inspector shall schedule an inspection and if or when the subject property passes inspection, the Housing Inspector shall consider the property licensed for that calendar year.

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 accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

First Reading: May 26, 2010
Second Reading: June 24, 2010
Third Reading: July 29, 2010

PASSED IN COUNCIL this 29th day of July, 2010.

Vote of Council: Ayes: Mr. Snyder, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros
Nays: Mrs. Barrett, Mrs. Rininger.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor