

ORDINANCE O-2019-6

**AN ORDINANCE AMENDING VARIOUS SECTION 1341.08 OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE WITH RESPECT TO LICENSING, INSPECTIONS AND FEES.**

WHEREAS, members of the Village Council and the Mayor have conducted ongoing discussions regarding the licensing and enforcement of the Housing Maintenance and Occupancy Code of the Village of Windham; and

WHEREAS, a proposed amendment to the Housing Maintenance and Occupancy Code has been provided which sets forth amended or altered procedures; and

WHEREAS, by the passage of this legislation the Council had decided to enact the proposed amendment.

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

Section 1: That the current Chapter 1341.08 of the Village of Windham Codified Ordinances is hereby repealed.

Section 2: Chapter 1341.08 as is set forth on the text attached hereto as Exhibit A, which is incorporated herein in by reference, is hereby enacted.

Section 3: It is hereby found and determined that all 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 of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

First Reading: March 26, 2019  
Second Reading: April 24, 2019  
Third Reading: May 28, 2019

Passed in Council on this the 28th day of May, 2019.

Vote of Council: Ayes: 6  
Nays: 0

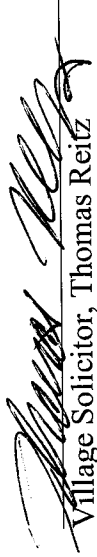
ATTEST:

  
Fiscal Officer, Cheree Taylor

APPROVED:

  
Mayor, Scott Garrett

APPROVED AS TO FORM:

  
Village Solicitor, Thomas Reitz

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

  
Cheree Taylor, Fiscal Officer

#### **1341.08 LICENSING REQUIREMENTS.**

(a) No person or entity, or its agents or representatives, shall allow occupancy of a residential rental unit without having a current, unrevoked housing license issued for the residential rental unit. Such license shall be valid for a period of one year from the date of issuance and may be renewed for successive periods of one year. A two-year license may be applied for upon conclusion of two complete consecutive years of full compliance with this Housing Maintenance and Occupancy Code for the residential rental unit involved. Upon the sale or transfer of such property, the housing license may be transferred to the new owner, operator, and or agent provided that the current holder of such license applies to the Housing Inspector in writing for approval of the transfer in advance of the date of transfer.

(b) Prior to obtaining a housing license for a residential rental unit the owner, operator, or agent of such residential rental unit shall make application on the prescribed forms to the Housing Inspector. Such application shall be submitted with all requested information completed, signed and accompanied by the current fee for the approval sought. A separate application must be submitted for each structure, regardless of whether the structure is partially-occupied, or occupied. All rental units must have a current application on file no later than March 31<sup>st</sup> of the current year. A current application is one that is no more than 12 months old (24 months in the case of a two year license). No structure may receive a license if one or more rental units in the structure do not meet the minimum requirements set forth in this Housing Maintenance and Occupancy Code.

Note: A person or entity and/or agent is in violation of this code if an application is not on file annually by March 31. Failure to apply by March 31<sup>st</sup> or within 30 days of obtaining ownership will result in a fine. The fine to be imposed is double the application fee for the residential rental unit plus the registration per rental unit.

(c) No operating license shall be issued or renewed unless the associated fee is paid. The fees are set by action of the Village Council and are adjusted periodically. The fee schedule of current effect is available at the Village Hall and are posted on the Village website.

(d) No operating license shall be issued or renewed until the Residential Rental Unit has passed an inspection pursuant to this chapter. When licensure is sought for multiple dwellings the Housing Inspector may require that all the inspections be scheduled at that same time.

(e) No operating license shall be issued or renewed until the applicant designates in writing to the Housing Inspector the name of his agent for the receipt of service of notice of violation of the provisions of this chapter and for service of process pursuant to this chapter.

(f) Applications for renewal of housing licenses shall be made sixty days prior to the expiration of the present operating license. The Housing Inspector shall act on all applications within sixty days of receipt of the application.

(g) The original license will be given to the applicant, and a copy shall be kept on file at the Fiscal Officer's office.

(h) Every owner or operator of a licensed residential rental unit shall keep or cause to be kept, an accurate record of all repairs, alterations, and equipment changes related to the provisions of this chapter or to any rules and regulations pertaining thereto, and of all repairs made as the result of inspections by the Housing Inspector. Such record shall be made available to the Housing Inspector by the owner or operator when requested. Every owner or operator subject to this section shall be notified that such record may be used in administrative or judicial proceedings pursuant to the provisions of this chapter.

(i) It shall be the responsibility of the person or entity, or its agents to give notice of the issuance of a current housing license to tenants by one of the following authorized methods prior to occupancy: (1) Place upon all written rental agreements the following Notice: "This residential rental unit is licensed by the Village of Windham for the period of \_\_\_\_\_, 20 \_\_\_\_ to \_\_\_\_\_, 20 \_\_\_\_\_. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Housing Maintenance and Occupancy Code of the Village of Windham. Copies of said Code can be obtained at the Windham Village Hall."

or

(2) Give the following written notice separate from the written rental agreement: "This residential rental unit(s) is licensed by the Village of Windham for the period \_\_\_\_\_, 20 \_\_\_\_\_. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Housing Maintenance and Occupancy Code of the Village of Windham. Copies of said Code can be obtained at the Windham Village Hall."

The length of the licensing period and the number of occupants shall be filled in by the owner, or agent from information appearing on the housing license for said residential rental unit prior to the execution of the rental agreement by the tenant.

If the rental agreement is oral, the owner, operator, or agent shall deliver to the tenant a written statement and notice as is described in subsection (h)(2) above, on or before the receipt of any monies from the tenant under said oral agreement.

(j) An owner of a newly-constructed or converted residential rental unit must obtain a rental license before any renter is permitted to occupy said residential rental unit.

(k) When the license fee described in this Section 1341.08 is not paid when 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 and associated fines). 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 the owner.

Upon collection of the license fee and associated fines, the Housing Inspector shall schedule an inspection of the subject property. Only upon passing the inspection shall the Housing Inspector issue a license for the Residential Rental Unit for that calendar year.

