

ORDINANCE NO. 13-14

AN ORDINANCE AMENDING CHAPTER 1373 OF THE PAINESVILLE CODE OF 1998, RELATING TO RENTAL DWELLING REGISTRATION and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Chapter 1373 of the Painesville Code of 1998 is hereby amended to read as follows:

1373.01 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

(a) No person shall occupy ~~as occupant or as owner-occupant~~ or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following provisions of this chapter.

(b) This chapter applies to rental dwelling units located within the City, ~~including governmental or public agencies acting as landlords, but shall not apply to the following arrangements except for the following:~~

(1) ~~Occupancy in a rental unit~~ Any dwelling unit owned or leased and operated by a college or university and operated by a college or university for the purpose of use as a dormitory;

(2) Any single family dwelling unit occupied by a person or persons purchasing the dwelling unit ~~Occupancy by the purchaser of a dwelling unit under a contract of sale;~~

(3) Any hotel, motel or other similar lodging where occupants are transient. ~~Transient occupancy in a hotel, motel or other similar lodgings;~~

(4) Any single family dwelling unit where the owner resides therein; or any single family dwelling unit where the owner normally resides but is temporarily absent for a period not to exceed one (1) year and, during the period for said absence, leases the dwelling unit to another. ~~Owners who reside in a single family dwelling unit but who wish to lease to individuals or family members while they are absent from the City for short periods of time, not to exceed one year, and who intend to return to their single family dwelling unit at the expiration of the lease period;~~

(5) Any single family dwelling unit whose ~~Owners who occupies~~ the premises dwelling unit, rents to one or more occupants, and share common bathroom and kitchen facilities with the occupant;

(6) Any dwelling unit utilized as a ~~Occupancy in nursing homes and or assisted living facilities;~~

(7) Any dwelling unit occupied by the ~~immediate family members related by blood, marriage, or adoption to or under the legal custody of the owner of the dwelling unit.~~

1373.02 INVENTORY AND DAMAGE LISTS; SECURITY DEPOSITS.

(a) The owner or his agent shall contact the occupant and arrange a joint inspection of the premises to occur within ten days of occupancy of the rental unit. The owner or his agent and the occupant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement.

(b) The owner or his agent shall contact the occupant and arrange a joint inspection of the premises to occur at the end of the occupancy and prior to the occupancy of the next occupant. Any damages to the rental unit shall be noted on the inventory and damage list, and the list shall thereupon be signed by the parties. If the parties can agree to the cost of repair, such portion as is due the occupant shall be refunded within 30 days after termination of the rental agreement and delivery and possession.

(c) (1) The owner or his agent shall have a duty to initiate the joint inspections; however, both the owner or his agent and the occupant shall have an affirmative duty to make a good-faith effort in scheduling joint inspections. In the event the owner or his agent is unable to schedule an inspection with the occupant through contacting the occupant by telephone, personal message or personal contact, the owner or his agent may show compliance with this section by producing the following: a ~~carbon~~ copy of a letter to occupant stating the time and place of inspection; and a normal business record showing that this letter was mailed to the occupant by first class mail at least two days prior to the date of the inspection.

(2) If the owner or owner's agent cannot arrange a joint inspection pursuant to the above procedures, the owner or agent shall complete the inspection, noting on a signed

and dated inspection report any damages that exceed normal wear and tear. A copy of the report shall be provided to the tenant.

(d) The owner's or agent's copy of all inspection reports shall be retained for a minimum of the present lease period and the two subsequent lease periods, or for a period of four years, whichever is less.

#### 1373.03 DISCLOSURE.

(a) A party signing a tenancy agreement as owner shall disclose therein or in a separate writing furnished to the occupant at or before the commencement of tenancy the name and usual address of each person who is:

(1) Authorized to manage the premises; and

(2) An owner of the premises or his agent who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving all notices and demands.

(b) The information required by this section shall be kept current. The provisions of this section shall extend to and be enforceable against any successor owner or manager.

(c) ~~In addition,~~ The owner or owner's agent shall provide to each occupant, at or before the commencement of occupancy, a summary of the tenants' and owners' rights and responsibilities.

(d) The Community Development Department shall furnish, upon request, to each registered owner or owner's agent of rental property subject to this chapter a copy of the Painesville Property Maintenance Code.

#### 1373.04 REGISTRATION OF RENTAL DWELLINGS REQUIRED.

(a) ~~No person shall use owner of real estate located within the City shall use real estate for the purpose of erecting or maintaining a rental dwelling thereon without registering such property with the Community Development Department of the City. Each registration application Applications for registration shall be filed with the Community Development Department and accompanied by the registration fee listed below. Such application shall be made at least 30 days prior to the expiration of the registration. Each registration application shall be signed by the owner of the property being registered, or said owner's authorized agent, and shall include the following information:~~

(1) Name, address and contact information of owner;

(2) Name, address and contact information of mortgage holder;

(3) Legal address of the property;

(4) Brief description of type and number of rental unit(s); and,

(5) Name, address and contact information of designated local agent, if any, authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. ~~The address of any agent so designated shall be within the State. Any owner who does not reside within Lake County or within ten miles of Painesville City limits a surrounding county shall be required to designate such an agent. Any designated agent must reside in Lake County or a surrounding county.~~

~~(b) The registration form shall be signed by the owner.~~

~~(b) Whenever ownership of a rental unit changes, the new owner shall register the property within 30 sixty (60) days of the transfer of ownership.~~

~~(c) Notification of the owner or his agent at the address shown on the registration form shall constitute sufficient notice pursuant to any provision of this chapter.~~

~~(d) The registration of a rental dwelling shall be good for a three-year period and all rental dwellings within the City of Painesville are required to be registered with the Community Development Department. The initial period for compliance is February 15, 2011. At that time, all rental dwellings must be registered with the Community Development Department of the City.~~

~~(e) Each permit and renewal expires on the fifteenth day of February in the third year following the issuance of the permit, it shall be filed with the Community Development Department.~~

~~(f) The owner or the designated local agent must provide proof that they have completed the Crime Free Multi-Family or Crime Free Residential Rental Program offered by the City of Painesville Police Department within three months of registering a dwelling(s).~~

~~(g) The fee for registering rental dwelling units shall be based on the number of units owned within the City limits and is as follows: one to three units, \$10.00; four to ten units, \$15.00; eleven to fifty units, \$25.00; and more than fifty units, \$75.00. In addition to the rental registration fee, if property required to be registered pursuant to the provisions of this Chapter, is left unregistered for more than sixty (60) days, a late fee shall be imposed as follows: for single-family dwelling unit properties previously unregistered, One Hundred Dollars (100.00); for~~

multi-family dwelling unit properties previously unregistered, One Hundred Dollars (\$100.00) plus Twenty-Five Dollars (\$25.00) per dwelling unit; and for any property that was previously registered but timely renewal of the previous registration did not occur, Two Hundred Fifty Dollars (\$250.00).

- (1) — One to three units: — \$10.00.
- (2) — Four to ten units: — \$15.00.
- (3) — Eleven to 50 units — \$25.00.
- (5) — Fifty+ units: — \$75.00.

Property owners are required to register prior to February 15, 2011. Any owner of a rental dwelling that registers prior to February 15, 2011 shall have three years from the deadline to renew the rental dwelling registration. Thus, their registration fee will be waived until February 15, 2014. Fees will not be prorated given the three-year duration.

(e) Upon successful completion of the registration application form, the City of Painesville shall issue to the registrant a receipt of payment certificate of registration as proof of the registration. ~~Certificates of registration~~ Receipts of payment shall be nontransferable and state the following: the date of issuance; the address of the rental dwelling and the name, if an apartment building, of the residential rental property owner; the names(s) of the rental managers); and the number of dwelling units located with the rental dwelling.

(f) Registration completed pursuant to the provisions of this Chapter shall expire at the first Registration Expiration Date that occurs after registration. For the purposes of this Chapter, the registration expiration dates shall be February 15, 2014 and each February 15 every three (3) years thereafter. Upon the expiration of a property's registration pursuant to this Chapter, subsequent registration shall be required as provided by this Chapter.

(g) The owner or the designated local agent of property registered pursuant to the provisions of this Chapter must complete the Crime Free Multi-Family or Crime Free Residential Rental Program offered by the City of Painesville Police Department and provide proof of same to the Community Development Department of the City. For properties registered pursuant to the Chapter prior to June 1, 2014, said proof shall be provided on or before December 1, 2014. For properties registered on June 1, 2014 or thereafter, said proof shall be provided within three (3) months of registration.

#### ~~1373.045 FAILURE TO REGISTER BY DEADLINE.~~

(a) ~~Failure to register any and all rental dwellings and attend the Crime Free Residential Rental Program within three months of registering a rental dwelling(s) shall result in the registration fees to be collected by the Community Development Department as follows:~~

(1) ~~Single Family units: registration fee in Section 1373.04(h) plus a late fee of one hundred dollars (\$100.00).~~

(2) ~~Multi-Family or Duplex units: Registration fee in Section 1373.04(h) plus, a late fee of one hundred dollars (\$100.00) plus twenty five dollars (\$25.00) per rental dwelling unit.~~

(b) ~~Failure to renew a registration as required by Section 1373.04(h) or to register a property as required by Section 1373.04(c) shall result in a late fee of two hundred fifty dollars (\$250.00) plus the registration fee outlined in Section 1373.04(h).~~

#### ~~1373.05 PROPERTY MAINTENANCE.~~

~~Owners registering properties are required to maintain their properties in accordance with minimum standards of the City of Painesville Codified Ordinances, Chapter 1367 Housing Code and Chapter 1349 Property Maintenance Code.~~

#### ~~1373.06 VIOLATION.~~

(a) ~~It is unlawful for any person to provide false information on the prescribed registration form.~~

(b) ~~It shall be a violation of this chapter for any owner to maintain a rental unit, which has not been registered in accordance with this section.~~

#### ~~1373.07 5 PENALTY.~~

Any person, firm or corporation or his or their agents who violates any provisions of this chapter or who fails or refuses to abide by the terms issued pursuant to this chapter is guilty of a misdemeanor in the fourth degree for each offense. A separate offense shall be deemed committed each day during which a violation continues.

#### ~~1373.08 — SEVERABILITY.~~

~~If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter, which can be given effect without the invalid provision, or application, and to this end, the provisions of this chapter are severable.~~

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Rental Registration Code; and therefore, this Ordinance shall become effective immediately.

PASSED: September 15, 2014



Paul W. Hach, II  
President of Council

ATTEST:



Tara Diehl  
Clerk of Council