

# RECORD OF ORDINANCES

Ordinance No. 2018- 19

Passed JUNE 25 2018

## AN ORDINANCE TO AMEND TITLE 8 (BUSINESS REGULATION AND TAXATION CODE) OF THE BALTIMORE CODIFIED ORDINANCES IN ORDER TO ADOPT REGULATIONS REGARDING RENTAL DWELLING AND HOUSING PERMITS

WHEREAS, Title 8 (Business Regulation and Taxation Code) of the Baltimore Codified Ordinances requires amendment in order to provide for regulations regarding rental dwelling and housing permits; and,

WHEREAS, Service Committee has reviewed the proposed amendments and recommends adoption of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: That Title 8 "Business Regulation and Taxation Code," is hereby amended to provide for a new Chapter 812, which shall be titled "Rental Dwelling and Housing Permit." A copy of the proposed new Chapter 812 is attached hereto and incorporated herein in its entirety.

SECTION 2: This ordinance shall become effective at the earliest period authorized by law.

  
Brad Nicodemus, Mayor

DATE OF PASSAGE: 6-25-2018

EFFECTIVE DATE: 7-25-2018

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: HAMILTON

APPROVED AS TO FORM:

  
Jeffrey Feyko, Village Solicitor

## **Chapter 812. Business Regulations – Rental Unit Permit**

### **812.01 – Rental unit permit required.**

All residential or commercial property within the Village of Baltimore owned for rental purposes or occupied by a party other than the owner for a period of more than six months during any twelve month period, shall require a rental unit permit from the Village. Traditional motels and hotels are excluded from the necessity of obtaining a rental unit permit. Nontraditional (long-term) rentals in hotels and motels are not excluded.

### **812.02 - Application.**

To obtain a rental unit permit, the owner of a rental unit, as defined in this code, shall apply to the Village of Baltimore. A rental unit permit shall be issued by the Zoning Inspector if, upon inspection of the rental unit, it is determined that the rental unit meets the requirements of this code. Such an inspection shall be made within thirty (30) days after application for a permit has been made. Upon application for a permit, the owner of a rental unit may rent or lease the premises at his or her own risk, subject to the subsequent approval of the permit by the Zoning Inspector. The Zoning Inspector shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within thirty (30) days, comply with this code. Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the Zoning Inspector upon satisfactory proof of violation of any provision pursuant to this code or which could have been grounds for failure to issue an original permit. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Chapter 812.11 of this code. If a permit is suspended or revoked after a hearing as provided in Chapter 812.11, said permit shall be surrendered to the code enforcement office within five (5) days of notification of such suspension or revocation.

### **812.03 - Zoning certification required.**

Any person applying for a rental unit permit shall include zoning compliance verification.

### **812.04 - Maximum occupancy.**

The rental unit permit for a residential unit shall state the maximum number of persons who may occupy the rental unit, as determined by this code and other ordinances of the Village of Baltimore or the State of Ohio. The rental unit permit for a commercial unit shall state the maximum occupancy and primary use.

### **812.05 - Emergency Contact.**

No rental unit permit shall be issued or received unless the applicant designates, in addition to himself or herself, an agent for the receipt of process pursuant to this code and contact information in the event of an emergency. Said agent must be designated in writing on the application for the permit. Such agent must reside within Fairfield County.

### **812.06 - Notice of change of ownership.**

Any person selling or otherwise relinquishing ownership or control of a rental unit for which a rental unit permit has been issued, shall notify the Zoning Inspector of said change in ownership

within five (5) days of the effective date of the transfer. Such notice shall be in writing and shall include:

- (A) The name and address of the new owner;
- (B) The name and address of the previous owner; and
- (C) The agent for the new owner as required under the provisions of Section 812.05;

**812.07 - Expirations and renewals.**

Every rental unit permit shall be renewed annually by January 31. A flat fee, established by ordinance, will be assessed for each rental unit permit fee unpaid as of March 1 of each year.

**812.08 - Fees.**

- (A) The annual fee for a rental unit permit shall be established by separate ordinance. A permit issued after July 1 shall pay half of the annual fee for that year.
- (B) Failure to pay a rental unit permit fee within one year after the date of its mailing, shall result in the cancellation of the rental unit permit.
- (C) Said rental unit permit shall be reinstated upon payment of all past due amounts, plus interest, along with a reinstatement fee of \$100.00 per unit.

**812.09 - Village of Baltimore Occupancy Permit and Compliance Form.**

Effective, January 1, 2019, it is the responsibility of the rental unit owner to place the Village of Baltimore Occupancy Permit and Compliance Form on the back of the main entrance door of each rental unit, on the wall next to the entrance door, or in a utility closet.

For all rental units the names, addresses and telephone numbers of both the property owner and the agent, along with the address of the rental property, must be provided with the payment of the rental unit permit fee.

- (A) This information will be placed on the Village of Baltimore Occupancy Permit and Compliance Form by the Zoning Inspector, along with the maximum permitted occupancy and expiration date.
- (B) The Zoning Inspector will provide one copy of the form for each rental unit. A fee of \$5.00 will be charged for additional or replacement copies.

**812.10 - Display of Occupancy Permit and Compliance Form.**

It shall be the responsibility of the owner or agent of a rental unit to post the Village of Baltimore Occupancy Permit and Compliance Form. This posted form is part of the rental unit inspection requirements. Failure to post said form is a minor misdemeanor punishable by a fine of up to \$150.00.

**812.11 - Suspension and reinstatement.**

- (A) At the end of the time allowed for correction of violations cited, the Zoning Inspector, lacking sufficient documentary evidence of compliance, shall re-inspect the rental unit. If he

determines that the violations have not been corrected, he may issue an order suspending the operating permit.

Any person whose permit to operate a rental unit has been suspended shall be entitled to a reconsideration of the order by the Board of Zoning Appeals (BZA) in the manner herein provided. If no request for reconsideration or appeal is received by the BZA within fourteen (14) days following the date of an order of suspension, the rental unit permit shall be revoked, except that prior to revocation any person whose permit has been suspended may request re-inspection, upon a showing that the violation or violations cited in the notice have been corrected.

- (B) When the owner or agent has been ordered by the Zoning Inspector to correct violations that may exist in a rental unit, as noted in the procedures set forth in the Village of Baltimore Codified Ordinances, the Zoning Inspector shall re-inspect the property to verify compliance with the original order. If additional inspections are required due to noncompliance, a fee to be established by separate ordinance shall be assessed to the owner for each additional inspection. Further, a reinstatement fee shall be established by separate ordinance.