

ORDINANCE 1999- 10

Village of New Richmond, Ohio

Rental Housing Code Ordinance 1999

Whereas, The Village of New Richmond has experienced an increase in the amount of substandard housing units used for human habitation, a condition aggravated by the widespread damage done in the 1997 flood;

Whereas, many of these units are structurally unsafe, unsanitary, or otherwise present a fire hazard to the health and well being of the community;

Whereas, the Council recognizes the need to protect the community by establishing an inspection and regulation procedure of all structures intended to be used for human habitation in The Village of New Richmond and to enforce the existing standards set forth in the Ohio Fire Code and the Ohio Basic Building code;

Whereas, The Village of New Richmond has authority pursuant to Section 715.29 of the Ohio Revised Code to adopt a housing code;

Now, Therefore, Be It Resolved by the Council of the Village of New Richmond, Clermont County, Ohio that it is necessary, for the reasons set forth in the preambles hereto, to adopt, and this Council does hereby adopt a housing code in the incorporated area of the Village, with the following definitions:

SECTION I - DEFINITIONS

As used in this Ordinance, the following words and terms shall have the meanings indicated in this section. Words and terms used and not specifically defined in this section, but which are defined in the Ohio Basic Building Code, shall have the meanings there defined. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

- (1) Landlord means the owner of a rental unit.
- (2) Rental agreement means any contract or lease, whether written, oral, or implied by operation of law, for the rental of the rental unit.
- (3) Rental unit means the whole or part of a building including common areas used by a person for living dining, cooking, sleeping, and sanitation purposes owned or controlled by another, under an agreement for the periodic payment of rent.

- (4) **Security deposit** means any deposit of money or other property however denominated whose primary function is to secure the performance of the tenant under a rental agreement.
- (5) **Tenant** means an occupant of a rental unit other than an owner or operator.
- (6) **Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (7) **Smoke Detector** means a readily removable device, sensitive to either visible or invisible particles of combustion or both, which automatically detects any fire condition and broadcasts locally a signal or alarm.
- (8) **Fire Inspector** means the Village of New Richmond's Fire Chief, or his authorized representative.

## II - PERMIT REQUIREMENT FOR RENTAL UNITS

- (A) A rental occupancy permit shall be issued by the Fire Inspector, subject to the following terms:
- (1) Applications shall be made in writing to the Fire Inspector on approved forms as provided by the Fire Inspector;
  - (2) An inspection must be successfully concluded, including the correction of any violations found by the Fire Inspector and the re-inspection of those corrections;
  - (3) The inspection fee of twenty-five dollars must be paid in full.
  - (4) Any violations found upon inspection will be detailed on a "notice of violation" form provided to the landlord of an unoccupied rental unit, and to the tenant and landlord of an occupied unit, specifying the nature of the violation and assigning responsibility of rectifying the condition either to the landlord, to the tenant, or to both if circumstances are present that indicate both parties to be at fault in creating the violation.
  - (5) No additional re-inspection fee shall be required.
  - (6) Failure to rectify the conditions detailed in the "notice of violation" will result in voiding any existing occupancy permit and the issuance of a citation by the Fire Inspector.

## SECTION III- INSPECTION REQUIREMENTS

- (B) All rental units in the Village of New Richmond are subject to inspections annually, each time occupancy changes, or upon receipt of a reported violation of standards prescribed herein for hazardous conditions, whichever occurs first. The Fire Inspector or his duly authorized representative shall be the sole person designated to conduct inspections pursuant to this Ordinance. (See, Sections 3737.14(A) and 715.26(B) of the Ohio Revised Code).

(C) The Fire Inspector shall inspect for any hazardous condition, including but not limited to:

- (1) Properly functioning smoke detectors;
- (2) Obstructions to or on fire escapes, stairs, passageways, doors or windows which could interfere with egress of occupants in an emergency situation;
- (3) Operational windows with intact glass;
- (4) Stable steps with adequate handrails;
- (5) Solid ceilings and walls, free of broken plaster or loose paneling;
- (6) Solid floors, free of broken boards, holes, and loose carpeting;
- (7) Solid roof, free of leaks;
- (8) Properly installed and vented heating system with operational fans and heat exchanger;
- (9) Exposed or loose electrical wiring, broken or missing outlets, switches and covers, or other obvious electrical hazards;
- (10) Water leaks that subject to increase the risk of electrical hazards, or encourage pests which could increase the risk of fire;
- (11) Insect or rodent infestation which could increase the risk of damage resulting in potential fire hazard;
- (12) Operational fire extinguishers, where provided;
- (13) Secure gas lines with proper connections and adequate shut-offs;
- (14) The accumulation of trash, rubbish, or debris in or around the structure which may present a fire hazard by encouraging dangerous insect, rodent, or other pest infestation, or otherwise present a fire hazard solely by the accumulation of the same;
- (15) The accumulation of dangerous amounts or the excessive storage of any combustible or explosive material in or around the structure which may create a fire hazard;
- (16) An accumulation of grease, oil, or other flammable residue on, under, or near an appliance used for cooking, heating, or producing hot water;
- (17) An accumulation of dust, waste material, grease, oil, or other flammable residue in air conditioning, ventilation ducts, or other exhaust ducts.

#### SECTION IV- TENANT VIOLATIONS

(A) Each tenant shall comply with all duties imposed upon tenants by the applicable provisions of all municipal codes, regulations and ordinances, and in particular:

- (1) Keep that part of the premises which tenant occupies and uses safe and sanitary.
- (2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner.
- (3) Keep all plumbing fixtures in the dwelling unit or used by tenants as clean as their condition permits.
- (4) Install, use, and operate all electrical and plumbing fixtures properly.

or evicted tenant, a documented tenant violation of this section is considered sufficient evidence for the landlord to deduct those costs from any damage deposit the tenant has made to the landlord or seek restitution in a civil action.

### SECTION V - LANDLORD VIOLATIONS

(A) The landlord is under a duty to comply explicitly with the terms of this ordinance to prevent revocation of any existing occupancy permit issued under this section, in addition to any other remedies prescribed herein, or applicable penalty sections of the Ohio Revised Code, the Ohio Basic Building Code, or the Ohio Fire Code. Each owner or landlord of residential property shall comply with all duties imposed upon owners or landlords by the applicable provisions of all municipal codes, regulations, or ordinances governing the maintenance, construction, use or appearance of the dwelling unit and the property of which it is a part, and in particular:

- (1) Keep all common areas of the premises in a safe and sanitary condition.
- (2) Make all repairs necessary to put and keep the dwelling unit and the appurtenances thereto in a fit and habitable condition and in compliance with the Ohio Basic Building Code, Ohio Fire Code, and the regulations of the Board of Health.
- (3) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, and air conditioning fixtures and appliances, and elevators, supplied or required to be supplied by landlord.
- (4) Dispose of all garbage and rubbish in accordance with the regulations of the Board of Health.
- (5) Exterminate any insects, rodents, or other pests on the premises.
- (6) Except in the case of emergency or if it is impracticable to do so, give the tenant reasonable notice of landlord's intent to enter for purposes of maintenance, repair, or inspection, and enter only at reasonable times. Twenty-four hours is presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) The landlord or his authorized agent must obtain an occupancy permit prior to offering the unit for rent and is responsible for maintaining a current occupancy permit on each occupied rental unit he owns.

### SECTION VI - PENALTIES

Violations resulting in a citation are classified as a misdemeanor pursuant to section 715.67 of the Ohio Revised Code and are punishable by a fine of not more than five hundred dollars and imprisonment not to exceed six months.

SECTION VII- SEVERABILITY

If any provision of this Ordinance shall be declared to be unconstitutional or illegal, all remaining provisions of this Ordinance shall remain effective and in full force.

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency measure and take effect and be in force from and after June 1, 1999.

ADOPTED: May 11, 1999

ATTEST:

  
Jack Gooding, Village Mayor

  
Audrey Clendenin, Clerk