

CHAPTER 1197
Rental Housing Code

1197.01 APPLICABILITY.

The owners of all rental units in the City of Steubenville shall be required to register these properties with the Code Official. For the purpose of this chapter, the following definitions shall apply:

(a) "Code official" means the official who is charged with the administration and enforcement of the Property Maintenance Code or his designee.

(b) "Dwelling unit" as defined in Ohio R.C. 5321.01(F), means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(c) "Owner" or "Property owner" means that person or persons, partnership, corporation or other entity listed on the deed as the owner in the deed records of Jefferson County, Ohio.

(d) "Rental agreement" as defined in Ohio R.C. 5321.01(D), means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(e) "Rental unit" means "Residential premises" as defined in this section.

(f) "Residential premises" as defined in Ohio R.C. 5321.01(C), means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned and operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721 of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to chapter 3731 of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:

A. The occupancy is for a period of less than sixty days;

B. The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:

1. Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offences, or persons suffering from substance abuse;

2. Shelter for juvenile runaways, victims of domestic violence, or homeless persons.

(10) Emergency shelters operated by organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(g) "Tenant" as defined in Ohio R.C. 5321.01(A), means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. (Ord. 2007-98. Passed 12-18-07.)

1197.02 REGISTRATION AND FEES.

Property owners shall register all rental units that they own. Registration will take place at the Office of the Steubenville Planning and Zoning Commission and can be completed in person or by mail. Property owners are required to register within thirty (30) days after the effective date of this code or within thirty (30) days after obtaining legal possession of the property. The Code Official shall maintain registration forms which require submission of the following information: the name, address and telephone number of the owner(s); the address of each structure and premises with a rental unit; the number of rental units within each structure and premises; and, if someone other than the owner(s) is responsible for maintenance or repairs to a rental unit, the name, address and telephone number of the person(s) or entity responsible for such maintenance or repairs, along with identification of the rental units for which they are responsible. The following non-refundable fee payable to the City shall accompany registration and renewal of registration.

(a) Owners of one (1) rental unit, a fee of fifteen dollars (\$15.00).

(b) Owners of two (2) to five (5) rental units, a fee of twenty-five dollars (\$25.00).

(c) Owners of six (6) to twenty-five (25) rental units, a fee of fifty dollars (\$50.00).

(d) Owners of twenty-six (26) to one hundred (100) rental units, a fee of seventy-five dollars (\$75.00).

(e) Owners of one hundred and one (101) or more rental units, a fee of one hundred dollars (\$100.00).

(f) If a registration form is filed late, an additional late fee of ten dollars (\$10.00). If an owner requires additional rental units between registration periods, a minimum fee of ten dollars (\$10.00) with a maximum fee as established in this section.

Registration shall be valid for two (2) years unless false information was furnished on the registration form or ownership of the property has changed. Renewal of registration including submission of completed registration forms and payment of applicable fees shall be required within thirty (30) days after registration expires. Fees collected under this section shall be used exclusively for rental unit registration purposes. (Ord. 2014-51. Passed 7-8-14.)

1197.03 ENTRY AND INSPECTION.

The Code Official is authorized and directed to cause exterior inspections to be made of all dwellings, and the grounds surrounding such dwellings located within the City of Steubenville, with the inspection to include only those items which can be inspected by lawful means. In the event the Code Official has reason to believe that a code violation may have occurred within a dwelling unit, he is authorized and directed to inspect the remainder of the premises. The owner, operator or occupant of every dwelling unit may, upon the request of the Code Official, give the Code Official free access to the property, at reasonable times, for the purpose of inspection. In the event access to the premises is refused, the Code Official with the assistance of the Law Director may obtain an administrative warrant from a court of competent jurisdiction in order to gain access to the premises. In the event an administrative warrant cannot be obtained, then the inspection shall include only those items which can be inspected by lawful means. This chapter shall not be construed to require an owner, operator or occupant to consent to a warrantless inspection of property except as provided by law.

(Ord. 2007-98. Passed 12-18-07.)

1197.04 APPLICATION OF CODES.

The code used in determining whether the conditions of property and premises are maintained in an approved manner shall be the Property Maintenance Code as adopted or as may be amended by the City of Steubenville.

(Ord. 2007-98. Passed 12-18-07.)

1197.05 NOTICES AND ORDERS.

When the Code Official determines that a code violation has occurred, notice shall be provided to the property owner in accordance with Section 107 of the Property Maintenance Code.

(Ord. 2007-98. Passed 12-18-07.)

1197.06 RENTAL UNIT MANDATORY INSPECTION REQUIRED.

(a) The owner of a premises with a rental unit shall have the interior and exterior of the premises, its structures and its rental units inspected semi-annually (twice yearly), for a minimum of four (4) years, to determine compliance with the Property Maintenance Code, under the following circumstances:

(1) If two (2) or more notices and orders to comply have been issued to the owner pursuant to the Property Maintenance Code, within any two (2) year period, concerning the same premises, and have not been complied within the time provided in the notices and orders to comply, the premises that was the subject of the notices and orders to comply shall be subject to semi-annual mandatory inspections as specified in this section;

(2) If the owner has been convicted of a violation of the Property Maintenance Code, the premises that was the subject of the violation shall be subject to semi-annual mandatory inspections as specified in this section; or

(3) If the owner has had a premise ordered demolished pursuant to the Property Maintenance Code, and the owner has not complied within the time provided in the order, the premises that was the subject of the order shall be subject to semi-annual mandatory inspections as specified in this section.

(b) A notice and order to comply that is issued after the effective date of this section, may constitute an uncomplained notice and order to comply for purposes of enforcement of the semi-annual mandatory inspections required by subsection (a)(1) of this section.

(c) A conviction that was obtained on or after the effective date of this section shall constitute a conviction for purposes of enforcement of the semi-annual mandatory inspections required by subsection (a)(2) of this section.

(d) A demolition order that is issued after the effective date of this section shall constitute a demolition order for purposes of enforcement of the semi-annual mandatory inspections required by subsection (a)(3) of this section.

(e) No owner of a rental unit shall fail to obtain a rental unit mandatory inspection from the Code Official when the provisions of this section require a rental unit mandatory inspection.

(f) A rental unit semi-annual mandatory inspection fee, per rental unit, which shall include the first two inspections semi-annually, shall be imposed as follows:

- (1) A fee of one hundred dollars (\$100.00) for a premises with one (1) rental unit;
- (2) A fee of one hundred fifty dollars (\$150.00) for a premises with two (2) rental units;
- (3) A fee of two hundred dollars (\$200.00) for a premises with three (3) rental units;
- (4) A fee of two hundred fifty dollars (\$250.00) for a premises within four (4) rental units;

and

(5) A fee of two hundred sixty-five dollars (\$265.00) for the first rental unit on a premises with five (5) or more rental units, and a fee of fifteen dollars (\$15.00) per rental unit for each additional rental unit on the premises.

(g) A rental unit mandatory inspection re-inspection fee, per rental unit, for each re-inspection semi-annually subsequent to the first two inspections semi-annually, per rental unit, shall be imposed in the amount of fifty dollars (\$50.00).

(h) If a person fails, neglects or refuses to pay a rental unit inspection or re-inspection fee required by subsection (f) or (g) of this section within thirty (30) days of being notified of the fee, then the Code Official shall so notify the Director of Finance. The Director of Finance shall certify the fee to the County Auditor. The County Auditor shall enter the amount on the tax duplicate of the county as a special assessment against the person's real estate at issue.

(i) All fees collected under this section shall be deposited with the Director of Finance under the Property Maintenance Code Enforcement line item and used to cover the costs of implementation of this Chapter and related expenses.

(j) If a person refuses to permit access to a premises with a rental unit under this section, then the Code Official with the assistance of the Law Director may obtain an administrative warrant in order to gain access as provided for in Section 1197.03 of this Chapter.

(Ord. 2014-51. Passed 7-8-14.)

1197.07 CHANGE OF OWNERSHIP.

Any person selling or otherwise relinquishing ownership control of a rental unit shall notify the Code Official 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: the name, address and telephone number of the new owner, and the name, address and telephone number of the previous owner. Rental registration shall not be transferred or assigned to any property owner, or to any dwelling or rooming unit, other than to whom and for which it was issued. New owners must register rental units in accordance with the provisions of this code.

(Ord. 2007-98. Passed 12-18-07.)

1197.08 EXPIRATION AND RENEWALS.

Every rental unit registration shall be valid for four (4) years, following which time renewal of the registration shall be required in the same manner and following the same procedures under which the original registration was completed.

(Ord. 2007-98. Passed 12-18-07.)

1197.09 APPEALS.

Any property owner, operator or occupant directly affected by a decision of the Code Official regarding this code shall be permitted to file with the Code Official, an appeal in writing to the Board of Property Maintenance Appeals in accordance with Section 111.1 of the Property Maintenance Code. An application for an appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. (Ord. 2007-98. Passed 12-18-07.)

1197.10 SEVERABILITY.

The provisions of these regulations shall be severable and should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 2007-98. Passed 12-18-07.)

1197.99 VIOLATIONS; PENALTY.

Any property owner who fails to register rental units shall be deemed guilty of a minor misdemeanor. Any property owner or person responsible who shall violate a requirement of the Property Maintenance Code shall be subject to the provisions of Section 106 of such code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 2007-98. Passed 12-18-07.)