

BRUNSWICK CITY BUILDING & BUILDING CODE COMMITTEE

Agenda

NOVEMBER 28, 2016

6:20 PM

1. Discussion Items
 - (a) **ORD. NO. 92-16** - An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for single-family and two-family residential rental property regulations - **1st Reading** (To be brought from Building & Building Code Committee, *Administration/Ken Fisher*)
2. General Discussion
3. Adjournment

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 11/28/2016

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 92-16** - An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for single-family and two-family residential rental property regulations - **1st Reading** (To be brought from Building & Building Code Committee, *Administration/Ken Fisher*)

BACKGROUND: The Building and Building Code Committee of Council has recommended that rental property be promulgated.

PURPOSE AND EXPLANATION: Establish Section 1440.27 of the Codified Ordinances of the City of Brunswick for "Single-Family and Two-Family Residential Rental Property Regulations"

IMPLEMENTATION SCHEDULE: Three Readings and to adopt on the third reading on December 19, 2016.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Anticipated Building Dept revenues are anticipated. The expected revenues relate to the charged application fees stipulated in Section 1 (g).

No increases in costs are currently proposed for this legislation.

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Three readings and adopt on December 19, 2016.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 92-16

BY: Mr. Capretta, Mr. Abella and Mr. Ousley

AN ORDINANCE ESTABLISHING SECTION 1440.27 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROVIDING FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL RENTAL PROPERTY REGULATIONS.

WHEREAS: The Building & Building Code Committee of Council has recommended that rental property regulations be promulgated as provided herein.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 1440.27 of the Codified Ordinances titled "Single-Family and Two-Family Residential Rental Property Regulations" is hereby established to read as follows:

(a) Findings, Purpose and Intent. The City of Brunswick acknowledges the overall general increase of single-family and two-family residential rental property in the City and the special features, characteristics, needs, issues, concerns and problems encountered in residential Zoning Districts that are not prevalent in other Zoning Districts. These concerns include, without limitation, the safety and tranquility of the residential neighborhood, which may be impaired by, among other things, the significant increase of vehicle parking at single-family and two-family residential rental properties. It is with these concerns in mind that the City hereby adopts these single-family and two-family residential rental property regulations in an effort to help ensure safe living conditions and the safety and tranquility of the residential neighborhood, as well as to avoid overcrowding in the residential Zoning Districts.

(b) Application. This Section shall apply to Singly Family Attached Dwellings, Single Family Dwellings and Two Family Dwellings, as defined in Codified Ordinance Section 1242.02.

(c) Permit Required.

(1) Except where the property owner resides in the dwelling unit, no property owner, renter, tenant or regular occupant of any dwelling unit shall rent, lease or regularly occupy such dwelling unit without first obtaining a rental permit from the Chief Building Official. A dwelling unit may be occupied by a family, which is defined for the purpose of this Section as persons related by blood, marriage, adoption or guardianship, or by not more than three unrelated persons. "Regular occupancy" shall mean the physical presence of a person in

the dwelling unit overnight for at least ten nights in a consecutive thirty day period.

- (2) Any dwelling unit with a rentable third floor shall be required to obtain a rental permit as provided herein.
 - (A) Each third floor unit shall be limited to one tenant, have its own private bath complete with shower and/or tub, toilet and sink, and have direct access to the outside without traversing through any other unit. No culinary or cooking equipment shall be permitted within this area.

(d) Rental Permit Application.

- (1) The application for a rental permit shall contain the following information and any additional information the Chief Building Official deems necessary:
 - (A) The name and signature of the owner of the property, including the property owner's mailing address, email address and telephone number.
 - (B) The name, email address and telephone number of the primary contact tenant.
 - (C) The name, email address, telephone number and age of each tenant.
 - (D) The fee as provided for in this Section.
 - (E) A copy of the proposed Rental Agreement, which shall contain specific language that the Rental Agreement shall not be effective until a valid rental permit has been issued as provided herein.
- (2) Upon filing an application for a rental permit, the Chief Building Official shall inspect the dwelling unit to determine the following:
 - (A) That the dwelling unit is of adequate size and has an adequate number of sleeping rooms to accommodate the proposed number of tenants, renters or regular occupants, including that the dwelling unit meets the requirement of applicable law, including, without limitation, the requirements of these Codified Ordinances, the Ohio Building Code, Ohio Residential Code, Ohio Revised Code and Ohio Fire Code, as may be amended from time to time.
 - (B) That one off-street parking space per tenant will be available.
 - (C) That the dwelling unit does not contain any culinary facilities outside of the kitchen, including on any rentable third floor.
 - (D) That each unrelated tenant shall be provided with his or her own separate bedroom, which shall be approved by the Chief Building Official. Bedrooms must have a bathroom directly attached or abutting a hallway leading to a bathroom and shall be a minimum of 120 square feet in area with no dimension being less than eight feet. Bathrooms in basements or otherwise below grade are prohibited for a determination as to whether a room means the definition of a bedroom

as provided herein.

- (E) That such dwelling unit is not and will not be used as a day care center, fraternity house, sorority house, residential cooperative, commune, dormitory, rooming house, boarding house, halfway house or equivalent occupancy.
- (F) That the owner acknowledges responsibility for all maintenance, both exterior and interior, adhering to all applicable federal, state and local law.

(e) Rental Permit Duration. A rental permit shall be valid for the property for a two year period from the date of inspection. The property owner shall be required to notify the Chief Building Official, within thirty calendar days, whenever there is a change in the identity or number of tenants, renters or regular occupants, which change shall not invalidate the rental permit so long as the number of tenants, renters or regular occupants does not exceed the maximum permitted hereunder. Such notice shall include all information as required by Subsection (d)(1)(B), (C) and (E) herein.

No rental permit shall be transferrable and, in the event of change of ownership of the subject property, a new application for a rental permit must be submitted by the new property owner within thirty calendar days of the date of transfer of the subject property.

(f) Appeal and Special Application.

- (1) An owner of a dwelling unit may make a written application to the Board of Zoning Appeals to appeal denial of a rental permit by the Chief Building Official or to request occupancy of more than three unrelated persons in a dwelling unit. In reviewing such application, the Board of Zoning Appeals shall consider the criteria contained in subsection (c) of this Section and any recommendations from the Chief Building Official, Chief of Police or Fire Chief. However, no provision of this Section shall be applied in circumstances where the application thereof would violate fair housing rights of the disabled as provided by applicable federal, state or local law.
- (2) An applicant who has been denied a rental permit by a decision of the Board of Zoning Appeals may seek further appeal to the City Council by filing a notice of appeal with the Clerk of Council within thirty days of the date of such denial.

(g) Application Fee.

- (1) Single Family Attached Dwelling/Single Family Dwelling - \$300.00
- (2) Two Family Dwelling (both units) - \$400.00
- (3) Two Family Dwelling (one unit) - \$300.00
- (4) Rentable Third Floor Unit - \$100.00

Fees shall be paid at the time the application for a rental permit is filed with the City and for any renewal thereof. For every month, or portion thereof that the fee is not timely remitted, an additional fee of \$200.00 shall be assessed to the property owner and no rental permit shall issue until all applicable fees have been paid in full.

(h) Revocation of Rental Permit; Notice to Show Cause. In addition to any other remedy or penalty otherwise provided in these Codified Ordinances, should the Chief Building Official have information or other reasonable cause to find that the holder of any rental permit or his or her tenants have been cited for failure to be in compliance in any respect with the conditions contained in this Section or in Chapters 452 and 678 of the Codified Ordinance on three separate occasions within the duration of the rental permit, the Chief Building Official shall issue upon the holder of the rental permit, by certified mail, return receipt requested, a notice to show cause to the Chief Building Official within five calendar days after receipt thereof as to why said rental permit should not be revoked due to violations as provided herein. The form of such notice to show cause shall be on a form prepared by the Chief Building Official. In determining whether a rental permit should be revoked, the Chief Building Official shall consider the following:

- (1) Submission of inaccurate or misleading information in the application for the rental permit.
- (2) Failure to timely notify the Chief Building Official of any change in the identity or number of tenants, renters or regular occupants or change of ownership of the subject property.
- (3) Failure to correct violations discovered during inspection within the time specified in any Notice of Violation or three separate violations of Chapters 452 or 678 of the Codified Ordinances within the duration of the rental permit.
- (4) Repeated complaints from adjacent residents that conditions exist which are detrimental to the safety and tranquility of the residential neighborhood, which complaints have been properly investigated by the Division of Police and verified to be factual.
- (5) Evidence supplied by the permit holder that the subject property is not being rented to tenants, renters or regular occupants involved in prior violations of Section 678.05 of the Codified Ordinances.

Upon revocation of the rental permit by the Chief Building Official, the rental permit holder may appeal in accordance with Subsection (f) herein.

- (i) Separate Offense. A separate offense shall be deemed committed each day during or on which a violation of any provision of this Section occurs or continues.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz