

1st Rdg - 10-26-15
2nd Rdg - 11-9-15
3rd Rdg - 11-23-15
Amended - 11-23-15
Passed - 11-23-15
Effective - 12-23-15

AMENDED
ORDINANCE NO. 98-15

Introduced By Mr. Roach

AN ORDINANCE TO AMEND SECTION 1375 – OCCUPANCY PERMIT OF THE CODIFIED ORDINANCES OF THE CITY OF CONNEAUT, OHIO, ATTACHED HERETO AND MARKED EXHIBIT “A”.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1375 – Occupancy Permit of the Codified Ordinances, attached hereto and marked Exhibit “A”, is hereby amended.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is declared not to be an emergency measure in the interests of public peace, health and safety and shall take effect thirty (30) days after passage.

Passed this 23rd day of November, 2015.

Joe Church
President of Council

ATTEST:
Pamela S. O'Connell
Clerk of Council

I, Pamela S. O'Connell, Clerk of the Council of the City of Conneaut, Ohio, hereby certify that Am. Ord. 98-15 adopted by the Council of the City of Conneaut on November 23, 2015 was published one time in a newspaper of general circulation in the City of Conneaut on _____ as required by the Rules of Council.

Clerk of Council

CHAPTER 1375
Occupancy Permit

10-23-15 Final

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1375.01. PURPOSE.

The purpose of this chapter is to preserve and protect the social and economic welfare of the community as determined through the inspection process, at the time the property is sold or occupied to establish that the property is safe, clean, and free from damage.

(Ord. 110-13. Passed 11-12-13.)

1375.02. DEFINITIONS.

- (a) DWELLING - A building which contains one or more "Dwelling Units" used or intended to be occupied for living purposes whether for sale or lease.

- (b) DWELLING UNIT- Single unit providing complete independent living facilities for one or more persons, including providing for the living, sleeping, eating, cooking, and sanitation of those occupying the unit.

- (c) FAMILY - Is defined as two or more persons related by blood, marriage, or by law.

- (d) TWO FAMILY DWELLING- Two dwelling units on a single lot that share a common wall under one roof and having separate entrances to the outside.

- (e) DUPLEX - A structure with multiple stories containing multiple dwelling units located side-by-side or one above another.

- (f) LESSEE – Person(s) renting or leasing from a property owner or his/her agent, buyer in a rent-to-buy agreement, including a vendee in a land contract when title is not transferred until final payment has been made.

- (g) LESSOR – Owner or his agent, owner in a rent-to-buy agreement, including a vendor in a land contract when title is not transferred until final payment has been made.

- (h) MULTIPLE FAMILY DWELLING- Multiple dwelling units located on one or more floors connected by a common hallway leading to an exterior entrance.

1375.03 PERMIT REQUIRED.

No person shall lease or otherwise allow another to lease or occupy any of the following without first obtaining an occupancy permit from the City of Conneaut:

- (a) Single-family dwelling;
- (b) Two-family dwelling;
- (c) Duplex;
- (d) Multiple Family Dwelling;

The occupancy permit shall expire twenty-four (24) months from the date of issuance, except as set forth by Section 1375.07.

1375.04 APPLICATION INFORMATION.

(a) Application for an occupancy permit required by Section 1375.03 shall be made by the Lessor(s), or their agent and shall include the following information:

- (1) The street address of the structure or the specific address of the parts or part if the entire structure is not involved.
- (2) The name, address and phone number and email address of the owner or agent in charge and where such person may be reached during normal business hours.
- (3) Documentation evidencing current active water and sewer service.

1375.05 INSPECTION PRIOR TO ISSUANCE OF OCCUPANCY PERMIT.

(a) Upon receipt of an occupancy permit application the City shall within five (5) business days schedule a time to inspect the premises for the purpose of determining compliance or noncompliance with the provisions of the City of Conneaut Occupancy Permit Inspection Sheet, attached hereto as Exhibit "A". The property owner or his/her agent may be present at the initial and any follow up inspections.

(b) Such inspections, by the City, shall be made between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, or other agreed upon time and date.

(e) In the event of inability of the City to determine the status or condition of any specific item or items due to weather or other conditions, such as snow covered roofs, driveways, patios, etc., such fact shall be noted on the face of the inspection sheet. The inability to determine the status of any such condition shall not constitute a waiver of any existing violation ascertained at a later time under proper conditions.

(f) The applicant shall be responsible for the correction of such violations before a permit shall be issued.

1375.06 ISSUANCE OF OCCUPANCY PERMIT.

- (a) If, upon inspection of the premises, it is determined that the same is in compliance, the City shall issue an occupancy permit on site to the owner and/or his/her agent.
- (b) If, upon inspection, it is determined that the premises are in substantial compliance with this Chapter, the City may, at its discretion, issue a qualified time-limited occupancy permit to the owner and/or his/her agent, subject to the correction of minor violations within a specified period of time.

- (c) The owner, agent, lessor, or operator of any structure or premises shall have the right to appeal the denial of an occupancy permit to the Property Maintenance Board of Appeals or in the manner prescribed by law.

1375.07 REVOCATION OF PERMIT.

The City may revoke an occupancy permit under any of the following circumstances:

- a) The failure during a 48 hour period to maintain active water and sewer service.
- b) Subsequent non-compliance with the Permit Inspection Sheet, attached as exhibit A, which may cause a serious risk to the health and/or safety of the occupants or the public at large.
- c) Subsequent substantial non-compliance with health or building codes which may cause a serious risk to the health and/or safety of the occupants or the public at large.

1375.08 VIOLATIONS SURVIVE TRANSFER.

The transfer of title to, or any interest in, real property in which a violation exists shall not be grounds for dismissal of charges in any court against a previous owner of the real property for failure to comply with a notice for correction of violations.

(Ord. 110-13. Passed 11-12-13.)

1375.09 FEES.

Fees for Chapter 1375 Occupancy Permit are located within Chapter 110 of the City of Conneaut's Codified Ordinances.

(Ord. 110-13. Passed 11-12-13.)

1375.10 SAVING CLAUSE.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Chapter. Council hereby declares that it would have passed this chapter, and each section, subsection, clauses of phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional.

(Ord. 110-13. Passed 11-12-13.)

1375.11 APPEALS.

Any owner who is denied an occupancy permit may, within ten (10) calendar days of receipt of such notice, appeal the findings of the Planning and Zoning Manager.

1375.99 PENALTY.

(a) Any individual, firm, or association/corporation who violates any of the provisions of this Code, upon conviction thereof, shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days, or both, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continue.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the

enforced removal of prohibited condition, or the application of any other equitable remedy. (Ord. 110-13.
Passed 11-12-13.)