

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
MARCH 15, 2016**

The Building & Building Codes Committee meeting was held on March 15, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:57 p.m.

**PRESENT:** Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller; Administration: Mayor Robert Stefanik, Community Development Director Thomas Jordan, Building Commissioner Dan Kulchytsky, City Engineer Mark Schmitzer, Fire Chief Robert Chegan, Finance Director Eric Dean; Other: Louis Krzepina, Gloria Kacik, Len Reinhard.

**APPROVAL OF MINUTES**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the February 16, 2016 minutes as received.** Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Monument signs TCD**

Mr. Jordan reported that the contractor has performed a preliminary review of our sign ordinances and noted a number of deficiencies. In addition, they performed a site visit. He said that at this point we do not have a proposal to redraft any section of the code. We will be proposing legislation at an upcoming meeting.

**NEW BUSINESS**

**1. Rental Registration**

Mr. Jordan said that they have drafted an ordinance that would enable a rental registration process for the city. He said that they are proposing rental registrations for dwellings of 3 units or less. Under the state commercial code dwellings that have 4 or more units are considered commercial properties. He said that the three unit or less dwellings are actually the ones with which we are currently experiencing the most problems. He said that after further refinement, legislation will be presented to Council. If adopted, a form will go out to the known 3 or less units based on a list from the Cuyahoga County Real Estate Tax Division. He said that those properties owners of dwellings of 3 units or less that did not receive a notice are asked to comply with the ordinance and voluntarily register the property. He said that as they become aware of additional properties, we will send out the forms. He also hoped that the media would keep track of this and inform the residents of this legislation through their stories.

Mr. Kulchytsky said that the registration would occur on an annual basis and there would be registration fees which would allow us to track it, plus there would be inspections and a procedure will be in place for compliance with this ordinance. Mr. Antoskiewicz said asked if we are performing interior inspections as well as exterior inspections. Mr. Jordan said that we will have the ability to perform an interior inspection if required. He said that very frequently there are complaints from a tenant stating that the owner is not maintaining the dwelling. He said that on the form the applicant voluntarily states that they are in compliance with the specific provisions of the fire codes. Mr. Jordan said that in case we discover that people are just signing it and not complying with what they are attesting to in their annual statement, he has asked the Law Department for a revision of the ordinance to include the ability of the Building Division to perform an inspection.

He said that due to the fact that they have not increased the staff in the Building Division, another revision he is asking the Law Department to review is 3 year inspection cycle. He said that based on the county data, we have 80 units that fall into this category, and possibly more. He said that he is concerned about committing to making sure that there will be a full interior or exterior inspection every 3 years. He is requesting in the redraft of the legislation that the Building Division be provided the discretion to schedule interior inspections based upon a complaint or other information and that we not be limited to a 3 year time

span to get all of the inspections completed. Mr. Petrusky asked if a property owner signs the form falsely stating that they have smoke/carbon monoxide detectors, would they be criminally liable if someone were to die as a result of missing detectors. Mr. Kelly said not necessarily, these are almost entirely civil matters. He believes that our code states that it is a first degree misdemeanor for violations of our code. Mr. Kelly said that while we will look into the changes requested to this legislation by the Building Division, there are some limitations. Even if there is a complaint about a property, unless you have some voluntary compliance on part of the owner or the tenant, we have to obtain a warrant to enter. We can't just walk into someone's house and say "let us in". These tactics are not part of a reasonable, rational or lawful approach to the enforcement of the housing code. Mr. Langshaw asked if there are regulations currently in our code that address 4 family dwellings, condominiums or apartment buildings. Mr. Jordan said that 4 or more units fall outside the rental registration code that is being developed and are covered by the General Property Maintenance Code. Mr. Nickell asked if the Fire Department inspects the large commercial apartment buildings to make sure that they have the proper fire systems in place. Mr. Jordan said it is his understanding that this is done on a regular basis. Mr. Jordan explained that there are condominium units that are in a large building but if an individual condominium owner rents out the condominium, then that unit would fall under this residential rental code. If the entire building was a 40 unit building and they are all apartment rentals, then it would not fall under this code. Mr. Antoskiewicz asked if the Homeowners Association should be the first place a renter should contact if there is a complaint. Mr. Jordan said that if the HOA is not maintaining things such as the common areas, he cannot pursue them under this particular part of the code. He can pursue the condo owner for the individual unit; whatever is non-common area.

Len Reinhart, 8467 Parkdale Drive, addressed the committee. He said that he owns 3 rental homes in the city. He agrees with the concept of this proposed legislation in that we need to keep our property values up. He said that he regards this particular piece of legislation as government bureaucracy at its finest. There is a \$100.00 per year fee for this with an inspection once every three years. He said that is \$300.00 for the Building Inspector to walk around the house one time and say you have a gutter down. This is a revenue generating issue and said that this is a very high fee. He said that he does not see a lot of run down housing in North Royalton. There are a few but are they rentals or are they private. He said that 6 years ago he had a tree fall on the gutter of one of his rental properties. Within 30 days he got a letter from the city telling him to fix it, and he fixed it first thing in the spring. He said that he had a tenant who got sloppy and that was taken care of quickly. He said that there is enforcement currently on any property in the city that gets a bit out of control. Supposedly the Building Inspector is keeping an eye on the whole city. He said that there is no guarantee that rentals are exclusively the problem. He said that there are as many problems with homeowners who don't maintain their property as there are with a landlord who regard their properties as an asset as he does; he calls them his 401K. He restated that he feels that this is somewhat of a money scheme. Mr. Reinhart asked why condos are only \$60.00 vs. \$100.00 for a house. He said that it would require about the same amount of inspection and if the common area of the condo is inspected as the proposed ordinance says, then it will be as much work as inspecting a house. He felt the fees should be the same. He asked how the city plans to notify the dozens of other owners who cannot be picked up through the county bank. He said that there is going to be someone who lives in Florida who owns a house up here and rents it. These people would be in violation and the city will charge them with a first degree misdemeanor, which he said is a relatively serious offense. He said he would like to talk about the application. He said that it has a clause that states the owner acknowledges that the rental unit has working smoke alarms located on each level, in each bedroom and outside of each sleeping area. He said that would mean his rental unit would require 5 smoke detectors and 5 carbon monoxide detectors. He asked how many people really have this many. He felt it was overkill. He also said that the requirements missed the two biggest rooms in the house where fire start – the kitchen and the garage. Mr. Reinhart asked who is going to maintain these detectors, the landlord or the tenant. He felt this should be applied to apartment buildings with 4 or more units as well so that there is some type of uniformity. Mr. Reinhart summarized by stating that he feels that this is a revenue issue and that all of these costs will be passed on to the renters. He finds this proposal very bureaucratic and overly progressive. Government overreach is exactly what this complaint is about. He felt that this should be revisited and reconsidered before it is put into effect. Mr. Nickell said that this is not yet in ordinance form and he agrees that he may want to readdress the fee. Mr.

Kulchytsky said that the recommendation regarding the location of the smoke detectors is based on the Residential Code of Ohio so this is a state law and this in turn is based on international building code requirements, so most of the nation abides by this recommendation. Mr. Jordan said that at the next meeting he will present some examples of fees from other communities. Mr. Langshaw asked why 4 family or larger buildings were not considered. Mr. Jordan said the buildings with 3 or less units are the ones that we seem to have the most problems with. We have many single family homes on main roads that have been rezoned to commercial use. While waiting for the property to be put to commercial use, the homeowners often times rent these homes out but don't want to invest in maintenance if they are ultimately going to be torn down for commercial buildings. Mr. Jordan said that another issue is manpower. North Royalton has a significant amount of 4 or more unit buildings and we just don't have the manpower at this time to do this. He said that many of the buildings that have 4 or more units are on the younger side of our housing stock compared to the other units and are typically in better shape. He said he agrees that some of these buildings are aging and may need to be added to the registry in the future. But right now from the administration's stand point, we think that this level is manageable. Mr. Langshaw said that he agrees that this is a big step but a necessary one given what we deal with. He said that he gets complaints from residents about homeowners not maintaining their properties and then renting them out. Mr. Marnecheck said that some of the poorly maintained homes referenced earlier are in his ward; this is why he asked the Building Department to look into this a few months ago. He said that he receives frequent complaints about some of these poorly maintained homes and it is a property value issue not only for the properties involved but the surrounding properties as well. He said while we may readdress the fee, he feels that the overall purpose of this is needed. Mr. Antoskiewicz said that the proposed code states that there is no fee for an exemption form. He asked for an example of what an exemption would be. Mr. Jordan said that they have actually been advised by the Law Department to eliminate this section. He said that the Building Commissioner has the discretion to determine if a unit qualifies under this code. If the homeowner feels this is incorrect, our code already provides for them to appeal to the Board of Zoning Appeals any decision made by the Building Commissioner. So he said they are going to explore this avenue as opposed to this specific exemption form. He said that this will all be reviewed with the Law Department before the next meeting.

#### **ADJOURNMENT**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz **to adjourn the March 15, 2016 meeting.** Yeas: 3.  
Nays: 0. **Motion carried. Meeting adjourned at 7:27 p.m.**

## **CHAPTER \_\_\_\_\_ RESIDENTIAL RENTAL FOR ONE-, TWO- AND THREE-FAMILY DWELLING UNITS**

### **GENERAL PURPOSES.**

The general purposes of this Code are to establish minimum standards necessary to make all residential rental dwelling structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of residential rental dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to fix responsibilities for owners and occupants of residential rental dwelling structures; to authorize the inspection of residential rental dwelling structures; to establish enforcement procedures; to authorize the vacation or condemnation of residential rental dwelling structures unsafe or unfit for human habitation; and to fix penalties for violations.

### **DEFINITIONS.**

- (a) As used in this Chapter, the term "residential rental dwelling" means any residential rental unit, including but not limited to a single-family dwelling or multiple dwelling unit.
- (b) As used in this Chapter, the term "multiple dwelling unit" means a building containing the following:
  - (1) Three (3) residential dwelling units;
  - (2) Two (2) residential dwelling units;
  - (3) One (1) or more residential dwelling units if the building also contains a use other than a dwelling use or an area designed for such other use.
- (c) The words "multiple dwelling" and "apartment house" are synonymous.
- (d) As used in this Chapter, "residential rental unit" means any dwelling unit in a single or multiple residential dwelling, whether the dwelling unit is rented, occupied or vacant which either:
  - (1) Consideration in the form of money or other valuable consideration is being paid for occupying such units; or
  - (2) A person other than the fee simple owner of the property or the owner's family is occupying such unit, whether or not such person is paying consideration, and the owner is not living in the rental unit.

## **CERTIFICATE OF RENTAL REGISTRATION.**

- (a) No person shall occupy, and no owner or resident agent shall permit a person to occupy, a residential rental unit, unless the Building Commissioner has issued a Certificate of Rental Registration for such dwelling structure which certificate has not expired, been revoked or otherwise become null and void.
- (b) Every owner, operator or resident agent of a single-family dwelling that is a rental unit, as defined in this section, shall annually obtain a Certificate of Rental Registration no later than December 31 of the year immediately prior to the year for which the Certificate shall be applicable, or if such dwelling becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the dwelling is occupied as a rental unit. Every owner, operator or resident agent of a single-family dwelling that has been a rental unit, at any time within the previous twelve months, shall obtain a Certificate of Rental Registration.
- (c) Every owner, operator or resident agent of a multiple dwelling unit shall annually obtain a Certificate of Rental Registration if one or more dwelling units in the dwelling is a rental unit, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption is applicable. If one or more units of a multiple dwelling unit becomes a rental unit at any time during a calendar year after January 1, then within sixty (60) days after the unit shall become a rental unit, the owner, operator or resident agent shall submit an updated Application for a Certificate of Rental Registration, or obtain a Certificate of Rental Registration for a unit for which an Exemption Form had been or should have been submitted.
- (d) Application for a Certificate of Rental Registration shall be on the form or forms supplied by the Building Commissioner, and shall include such information as the Building Commissioner determines is necessary to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. Such information shall include, but need not be limited to, the following, as applicable:
  - (1) The name, address and telephone number of the owner(s) of the property;
  - (2) The name, address and telephone number of the resident agent or manager of the property if one;
  - (3) The address of the property and the number of rental units contained within the property;
  - (4) The current name, address and telephone numbers, of the person(s) occupying the rental unit, and the address or other identification of the rental unit which they occupy;
  - (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
  - (6) In the case of an approved third-floor rental unit, a statement that no person who occupies the third-floor rental unit stores, cooks or otherwise prepares food in the third-floor rental unit or other common area; that such activities shall not be permitted; and that appliances or equipment which are used for such activities are

not being provided or permitted on the premises;

(7) Verified acknowledgement the rental unit has a working smoke alarms and carbon monoxide alarms and is further in compliance with all city ordinances, state and federal laws, including but not limited to the Fair Housing Act.

(8) An application is considered submitted and complete only when all information required on the form is accurately, legibly and fully provided and when the fee required in this chapter is paid.

- (e) The Building Commissioner shall issue a Certificate of Rental Registration for a rental unit or units if found to be in compliance or substantial compliance with the provisions of this Chapter and all other laws, ordinances, rules and regulations applicable thereto. The Certificate of Rental Registration shall not be valid beyond December 31 of the calendar year in which it was issued.
- (f) The Building Commissioner may deny an application for a Certificate of Rental Registration or revoke a Certificate of Rental Registration if any false statement is made by the applicant in connection with the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Fire, Health, Zoning, or Building Codes.
- (g) Every application for an annual Certificate of Rental Registration submitted on or before February 1 of the year for which the Certificate of Rental Registration is required, or within thirty days after the dwelling unit becomes a rental unit, shall be accompanied by a nonrefundable fee as follows:
  - (1) For a condominium rental: sixty dollars (\$60.00); or
  - (2) For a single-family rental: one hundred dollars (\$100.00); or
  - (3) For a two-family rental: two hundred dollars (\$200.00); or
  - (4) For a three-family rental: three hundred dollars (\$300.00);
- (h) The fee for an application for a Certificate of Rental Registration submitted after March 1 of the year for which the application is made, or more than thirty days after a unit becomes a rental unit, shall be as follows:
  - (1) For a condominium rental: one hundred twenty dollars (\$120.00); or
  - (2) For a single-family rental: one hundred fifty dollars (\$150.00); or
  - (3) For a two-family rental: two hundred fifty dollars (\$250.00); or
  - (4) For a three-family rental: three hundred fifty dollars (\$350.00);
- (i) There shall be no fee for submission of an Exemption Form if submitted by February 1 of the year for which the Exemption is applicable. The fee for submission of an Exemption Form submitted after February 1 shall be two hundred dollars (\$200) per dwelling structure.
- (j) If no application for a Certificate of Rental Registration is submitted when required by this Chapter, the Building Commissioner shall charge the owner or operator the fee set forth in subsection (h) of this Section.

- (k) The City shall reinstate a Certificate of Occupancy that has been revoked when the owner, operator or agent has done all of the following:
- (1) submitted a new application for a Certificate and paid the appropriate application fee;
  - (2) Paid the reinstatement fee, which shall be one hundred dollars (\$100.00), in addition to the appropriate application fee; and
  - (3) Successfully completed any procedure required by the Building Commissioner, under the rules and regulations established as permitted in this Chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation or, if the property had been declared a public nuisance under Chapter \_\_\_\_\_.

### **INSPECTION OF MULTIPLE DWELLINGS.**

- (a) The Building Commissioner, Safety Director or designee is authorized to conduct an inspection of the common areas of all multiple dwellings units and an exterior inspection of single-family and multiple dwelling rental units, at least once every three (3) years according to a schedule established by the Building Commissioner or Safety Director.
- (b) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Building Commissioner or Safety Director that a violation of the City's Codes exists upon the property.
- (c) It shall be the duty of the owner or agent, upon consent, to cause the common areas of the structure be open for inspection at the time arranged, which shall be during regular business hours. If the owner or agent refuses to consent to an inspection of the subject property or if consent is otherwise unobtainable, the Building Commissioner or Safety Director or designee shall not make such inspection without first obtaining a search warrant.

### **CERTIFICATE OF MULTIPLE-DWELLING INSPECTION.**

Upon inspection of the residential rental dwelling unit, the Building Commissioner shall issue a Residential Rental Inspection report. Except in the case of immediate danger to the public health or safety, such report shall contain the order of the Director for the correction of any code violations noted on the report, which shall be corrected by the owner of the property within ninety days of the issuance of the report, unless for good cause shown, the Building Commissioner has extended the time for such completion.

## **FORMS, RULES AND REGULATIONS; APPEALS.**

The Building Commissioner is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Building Commissioner are provided for in Chapter 1264, except where the decision appealed involves a violation or interpretation of the Ohio Building Code, in which instance the rights of appeal shall be as provided under the laws of the State of Ohio.

## **COMPATIBILITY WITH STATE LAW AND REGULATIONS; SEVERABILITY.**

- (a) Nothing herein is intended to conflict with any state law or regulation pertaining to multi-family or apartment buildings, including but not limited to provisions of the Ohio Building Code.
- (b) If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

## **PENALTY.**

Whoever fails to comply with the registration provisions of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section \_\_\_\_\_.



# City of North Royalton

Mayor Robert A. Stefanik  
Community Development, Building Division  
Dan Kulchysky Building Commissioner  
11545 Royalton Road, North Royalton, OH 44133

Phone: 440-582-3000

Fax: 440-582-3089

## APPLICATION FOR A CERTIFICATE OF RENTAL REGISTRATION One-, Two- and Three-Family Dwelling Units

- Submit one completed application per building or structure. Type or print all information in ink. Fill in the forms completely. Incomplete forms may delay processing.
- Certificates of Rental Registration expire on December 31 of the calendar year in which it was issued.
- Applications for Certificates of Rental Registration shall be submitted no later than February 1 of the year for which the application is made or within 30 days of the unit becoming a rental.
- Fees in accordance with C.O. Section \_\_\_\_\_(g) shall be charged for each rental unit. Applications submitted after the deadlines shall be subject to late fees in accordance with C.O. Section \_\_\_\_\_(h).
- An inspection shall be scheduled at the direction of the Building Commissioner or Service Director. In the event that an owner and/or manager fail to appear at the time of an arranged inspection, a \$40.00 reinspection fee shall be charged.
- Rental owners are required to file Federal Schedule E (Supplemental Income / Loss for Rental Real Estate) with the Regional Income Tax Agency (RITA) every year.
- For information regarding your responsibilities in relation to the Fair Housing Act please contact the Housing Research and Advocacy Center at (216) 361-9240 or visit their website at [thehousingcenter.org](http://thehousingcenter.org).

### 1. ADDRESS OF RENTAL PROPERTY:

Address \_\_\_\_\_

Permanent Parcel Number \_\_\_\_\_

Zoning District and Ward \_\_\_\_\_

### 2. TYPE OF APPLICATION:

New Rental \_\_\_\_\_ Renewal Rental \_\_\_\_\_

### 3. TYPE OF RENTAL:

One-family \_\_\_\_\_  
\$100 Fee / \$150 Late Fee

Two-family \_\_\_\_\_  
\$200 Fee / \$250 Late Fee

Three-family \_\_\_\_\_  
\$300 Fee / \$350 Late Fee

Condominium \_\_\_\_\_  
\$60 Fee / \$110 Late Fee

### 4. PROPERTY OWNER:

Name(s) \_\_\_\_\_

Name of Business (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

City, State and Postal Code \_\_\_\_\_

Email (electronic mail) \_\_\_\_\_

**5. RESIDENT AGENT OR PROPERTY MANAGER (IF APPLICABLE):**

_____ Name	_____ Name of Business (if applicable)
_____ Address	_____ Phone
_____ City, State and Postal Code	_____ Email (electronic mail)

**6. OCCUPANT INFORMATION – UNIT 1:**

_____ Tenant Name(s)	_____ Address and/or Unit Number
_____ Phone	_____ Mobile Phone
_____ Number of Persons Living in Unit	_____ Number of Children and Ages

**7. OCCUPANT INFORMATION – UNIT 2:**

_____ Tenant Name(s)	_____ Address and/or Unit Number
_____ Phone	_____ Mobile Phone
_____ Number of Persons Living in Unit	_____ Number of Children and Ages

**8. OCCUPANT INFORMATION – UNIT 3:**

_____ Tenant Name(s)	_____ Address and/or Unit Number
_____ Phone	_____ Mobile Phone
_____ Number of Persons Living in Unit	_____ Number of Children and Ages

**9. OWNER CERTIFICATION:**

I acknowledge that the rental unit(s) have working smoke alarms located on each level, in each bedroom and in outside of each sleeping area, such as a corridor, in the immediate vicinity of the sleeping rooms.

I acknowledge that the rental unit(s) have working carbon monoxide alarms located on each level, in each bedroom and in outside of each sleeping area, such as a corridor, in the immediate vicinity of the sleeping rooms.

I acknowledge that the rental unit(s) comply with all city ordinances, state and federal laws, including but not limited to the Fair Housing Act.

I certify under the penalties of perjury that this application has been examined by me and all of the information contained in is true, accurate and complete.

_____ Owners Signature	_____ Printed Name, Title and Date
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_____ Permit Application Number	_____ Building Commissioners Signature and Date
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