

**BUILDING & BUILDING CODES COMMITTEE MINUTES**  
**APRIL 19, 2016**

The Building & Building Codes Committee meeting was held on April 19, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:07 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, Law Director Thomas Kelly, Community Development Director Thomas Jordan, Building Commissioner Dan Kulchytsky, Assistant Law Director Donna Vozar; Other: Louis Krzepina, Don Harris.

**APPROVAL OF MINUTES**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the March 15, 2016 minutes as received.**  
Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Monument signs TCD**

Mr. Jordan said that the city hired Studio Graphique and they have proposed some specific legislative changes that we are currently reviewing. He said that there will be a whole new TCD section, we are changing some definitions, as well as modifying the industrial section. He said it will be quite a substantial change to the sign ordinances and they will be presented to the committee before the next meeting.

**2. Rental Registration**

Mr. Jordan said that a redraft of the rental registration legislation has been distributed to Council. He gave a brief overview of the purpose of the legislation as discussed at the last committee meeting. He said that based on that discussion, they have lowered the fee. They also did some research on fees in our neighboring communities. While these fees varied greatly, most are within the price range we are proposing. He said that the issue of entering the property and our authority to do so has been addressed with the help of the Law Department. He said that most people voluntarily comply with almost all of our directives. But if they do not wish to have the unit inspected, we need to present a reason to the court and obtain a warrant. This is now covered in the legislation. He said that we also took another look at the issue of an exemption form. If you have a building and you have a unit in it that you do not rent out, you can apply for an exemption for the unit. There is now a process in the legislation for this exemption application. Mr. Nickell said that at the last meeting Mr. Jordan had stated that due to current staffing levels the Building Division would not be able to perform an inspection more than every 3 years. Mr. Jordan said that they have modified the language and it no longer states how often there will be an inspection. He said that with most things with the Building Division, they are mostly complaint driven. Also, there may be issues regarding things such as the number of units. He said that they will do an inspection if there is a complaint or suspicion of an unreported rental unit. The language does not specify how frequently we will visit the rental properties; it will be more complaint driven or investigatory. Mr. Nickell said that he agrees with what a resident stated at the last meeting; if you are not going to inspect them every year then we shouldn't charge a fee every year. He said that he would like to see the fee go even lower. He said we don't do point of sale inspections, but now we want to do it for rental property. He has had a few people tell him that they don't like this. Mr. Jordan explained how this will roll out if Council moves forward with this. He said that we have 50-70 units based on information provided to the county. He said that this information is not always reliable. He has this list and he is going to send out the rental registration form with a cover letter stating that Council has approved instituting a rental registration, here is the form. On these forms, it will ask the owner to affirm that they are abiding by general building code issues, specifically the safety issues. Out of these 70 units, he expects about 25% will state that they are not rental units or are currently vacant, wrong address, etc. Another group will ask a lot of questions relative to how this will work, etc. He said we will also get rental units that we are aware of but the county was not aware of. He said that there are people who will voluntarily call in once they

know that this has passed. He said the first year will be just about establishing the data base, getting the number of units right, getting those who are exempt out of the data base, correcting county mistakes, etc.. This is why he is hesitant about how frequently we are going to be able to perform an inspection. He said that the city rezoned a significant amount of residential parcels back in 2004 from residential to commercial. As a result, people are not investing in these residential parcels and they are falling into disrepair. They are located on the state routes and are very visible. The owners are waiting for commercial development to come along and are renting these properties for income to offset the holding costs. He said that the Mayor has asked that we do exterior inspections on these properties on at least a yearly basis. He said that we can achieve this. Regarding the interior inspections to follow up on all of the safety code compliance issues, until he knows the extent of the rentals that are out there, it will be pretty difficult. He said that most people understand and appreciate the efforts of the Building Division and Fire Department when it comes to ensuring that the property is safe for them and their tenants. It is a very small minority that has had a problem with this. On the issue of fees, he said as soon as someone goes out the front door in the Building Department, we have already spent \$50.00. When an Inspector that we pay a fair wage to leaves the premises with their car and goes on an inspection, there is nothing under 45 minutes in North Royalton. He said he understands that the property owners see this fee as cutting into their profits, but at the same time it ensures that minimum standards are achieved which helps to stop abuses from occurring. Mr. Antoskiewicz said that the original legislation they reviewed contained the rental registration form that outlined how many smoke detectors, carbon monoxide detectors, etc. He said that this revised legislation states that they have just have to sign off stating they have a smoke detector and carbon monoxide detector. He said that this seems more generalized and he does not have a problem with that. He said he does not feel we should go much farther with this than we do with a home owner. He understands the premise of needing to know who the owner is so that we know who is responsible. He said that we need to have some accountability for the properties, but he would rather keep it more generalized and this rewrite seems to accomplish this. He said that we will be sending the renters a copy of what their rights are which he thinks is important. This will then generate complaints if their landlord is not in compliance. Regarding Mr. Nickell's earlier comment about the fees, Mr. Antoskiewicz said that rather than \$75.00 per year, at least initially, maybe we go down to \$50.00 per year and see how our costs go and give everyone time to adjust to what we are doing. Mr. Petrusky suggested that we make it \$50.00 for single family homes and leave the fee for condominiums at \$50.00 since they are probably pretty similar in size, and having the fee for the two and three family homes be higher. Mrs. Vozar pointed out that the fees for the 2 and 3 family dwellings is priced per unit, so they could also charge the \$50.00, but it would be applied per unit. Mr. Nickell agreed that condominiums should be the same cost as a single family home. Mr. Nickell said the \$75 per unit for the 2-3 family dwellings would result in a fee as high as \$225.00. He asked for an example of a 3 family unit in the city. Mr. Kulchytsky said that the reason for including a 3 family dwelling is because it is a cut off that follows state guidelines. It is rare to find a 3 unit rental, however the state constitutes that 1, 2, 3 units is a single family residence and that falls under a different group of laws than for example an apartment building. Mr. Petrusky asked why we just don't make it a global "per unit" fee, say of \$50.00 or \$75.00. That way it doesn't have to be broken down between 1, 2 or 3 unit dwellings. Mr. Nickell said that this is too expensive. He feels that the fee should be "per structure" regardless of the number of units therein. He said that if we are not doing interior inspections each time, they are not doing much more exterior inspection on a 2 or 3 unit dwelling than you are for a single family home. He said that we want to have our rentals maintained, but if it is too expensive we might price ourselves out and end up with empty units. Mr. Nickell said he feels that if we are going to charge a fee every year, the inspector better be there every year, otherwise there should not be a charge. Mr. Langshaw said that his concern is that while we can debate the fee, the cost of blight is definitely going to cost the taxpayer's money. He felt it is worth combating blight and this is a big issue in his ward. He said that he fully supports what the Mayor and Building Division are trying to do in an effort to combat this. He feels that with regards to safety that this is absolutely necessary. He said in some instances the landlords don't even live in the state and it is often difficult to locate them and they don't care about the community. He said we need to address this issue. Mr. Langshaw asked the Building Commissioner how much lower can we go on these fees before it effects the operational costs of the Building Department. Mr. Jordan said that if an inspection occurs, we have already lost money as soon as the inspector goes out the door at a cost of \$50.00. He also

said that the idea behind the per unit charge is that they are getting income per unit. The fee is going to come off of the per unit income. There is more income there and the fee is offset by the additional income. He said that for a 3 unit dwelling, it is very hard to get all three tenants there at the same time for an inspection. We will end up having to come out on separate dates as a result. Mr. Nickell recommended then that we set the fee for the 2 and 3 unit dwellings at \$100.00 per structure. Mr. Kulchytsky said that the one family structures are the simplest to inspect. The 2 family units may have been designed to be 2 family, or they may have been converted, and a 3 family unit is the most problematic. This is the attic dwelling space where you might have a kitchen, reduced egress, etc. He said that the fees should be representative of the risk and the difficulty of reviewing such facilities. He felt that the fees should stay as presented with the incremental increase. He said that these are his thoughts as the Building Commissioner. Mr. Nickell asked if there is an example in the city he can point to as being a 3 unit dwelling. Mr. Kulchytsky said that he does not have an example within the city because we don't implement this program. Mr. Jordan said that the way the permit will work is by unit. We will have a rental registration form for each unit and fee paid for each unit. He said that he understands Council's concerns with implementing this. His concern is if he has the manpower to inspect every unit every year. He said that he cannot pledge to this until he understands the problem better. Mr. Nickell said he would resent having to pay a yearly fee for an inspection that only happens every 3 years. As an example he said that he paid a fee for a fence, and all the inspector did was drive by. He asked what was the fee for. Mr. Jordan said that the idea is that they submit paper work and that we determine that the fence was on the right property and was built according to code. Mrs. Vozar said that while the inspection is an important component, it is really the registration that we are seeking. It has the landlord acknowledge his responsibilities not only to the city but to the tenant. It is also a good way for us to insure that fair housing and safety is being dealt with. She said many cities begin this program after a fire or some other problem. We are trying to be proactive and make sure that the landlords know what their obligations are. Since we cannot enter a premises without consent, we do not know how willing the landlords are going to be to allow us entry. We may end up needing to get probable cause and get a search warrant to enter. Exterior inspections will occur just like they do now for all other properties as well. Mr. Nickell summed up his concerns by saying he would like to see a \$50.00 fee per unit. Mr. Kulchytsky proposed \$50.00 for a single family unit (single family home and condo), \$75.00 for two family, \$100 for 3 family flat fee per dwelling. Mr. Nickell agreed. Mr. Kulchytsky said that there are some cities that have vacant property registrations. We are not going to that extreme. Mr. Langshaw said that these fees will not even cover the cost of the work being done and is not to be seen as a revenue generator. Mr. Kulchytsky said this is absolutely not a revenue generator. Mr. Langshaw agreed with Mrs. Vozar that the biggest component of this is the registration aspect and knowing who the contact person is, etc. Given this, could we put a provision in the legislation that states that an interior inspection will only occur if there is a public safety issue such as hoarding, etc. Mr. Jordan said that they had a complaint of a renter in a building and that there was a possible hoarding situation. We would check to see if it is part of the rental registration and contact the owner. If there hasn't been a recent inspection, we would request an inspection and go in and take a look at the situation. If there is compliance failure with our building codes, we would site the owner and asked them to get it cleaned up. If it is a neighbor calling about another neighbor that is not on our rental registration and we don't see any evidence to enter the premises or have any basis for this, then there is nothing we can do about it. Mr. Marnecheck asked how much of a difference in revenue we are talking about. Mr. Jordan said that according to the county we have 70 dwellings, but he is not sure that is accurate. He said let's just say we have 50 dwellings at \$50.00, that is only \$2,500.00 that we are generating. This is not a windfall for the city. Mr. Nickell said that he knows that this is not a money generator. Mr. Antoskiewicz said that if we start out with the numbers we were just talking about, then once we get it implemented the Building Division can come back to Council and let us know where this takes us. If we find out that we are doing more inspections than we thought, we can always adjust what we are doing. As of right now, this is new ground for Council. He would like to start lower, give everyone a feel for where we are at and what we are doing, and then let's see what happens. He said this would be similar to what we did with grass cutting. Mr. Nickell agrees with that and said that this Council has always worked that way. Mr. Nickell asked if the software was already in place for this program. Mr. Jordan said that we have a method through our inspection software system for doing this. There is a ramped up version which we could purchase, but we

are not going to do that at this time until we see how this goes. He said that if this grows we will have to invest in another system. Mr. Nickell said that he would like to see a fillable PDF on our website. Mr. Jordan said that we can do that. Mr. Nickell asked if we foresee doing the internal inspections, or will it be solely complaint driven. Mr. Jordan said that currently it will be complaint driven or investigatory. He said that they anticipate that there will be some people that may claim they are not a rental, or only have 2 units when we think it might be 3, etc. He said that there are some situations that they are currently aware of that they would like to go into because of complaints made. Mr. Nickell asked that the Building Commissioner take what was discussed this evening and make the changes to the proposed legislation. Mr. Jordan recapped that the changes would be to the fee schedule and the proposed structure that Mr. Kulchytsky had outlined earlier in the meeting. Mr. Nickell asked about the smoke detector language that was changed from a specific number to just stating that they have them. Mr. Kulchytsky said that the requirements will simply follow Ohio law which states one in every in every bedroom, in the corridor outside of each bedroom, and on each level. Mr. Jordan said that some cities do have a separate code regarding rentals but we are not proposing that. Mr. Kasaris asked how many smoke detectors and carbon monoxide detectors he would be required to have if he were building a new home in North Royalton. Mr. Kulchytsky said that it would require one smoke detector in every bedroom, in the corridor outside the bedroom. The carbon monoxide detector would be required in the corridor outside of the buildings. If it were a new home these detectors would be interconnected.

#### **NEW BUSINESS**

No new business.

#### **ADJOURNMENT**

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **adjourn the April 19, 2016 meeting**. Yeas: 3.  
Nays: 0. **Motion carried. Meeting adjourned at 6:48 p.m.**

**CHAPTER \_\_\_\_\_ RESIDENTIAL RENTAL FOR ONE, TWO AND THREE  
FAMILY DWELLINGS 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 a 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; or
  - (2) Two (2) residential dwelling units; or
  - (3) One (1) or more 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 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 or shall submit an Exemption Form, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption shall be applicable. Once an Exemption Form is submitted and approved, no further submittals for a Certificate or Exemption shall be required unless the dwelling becomes a rental unit.
- (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, or shall annually submit an Exemption Form if no dwelling units in the dwelling are rental units, 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 or submission of an Exemption Form 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. 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. 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, business 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) Verified acknowledgement the rental unit has a working smoke detector and carbon monoxide detector and is further in compliance with all city ordinances, state and federal laws, including but not limited to the Fair Housing Act.
- (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 single-family rental: seventy-five dollars (\$75.00);
  - (2) For a condominium rental: fifty dollars (\$50.00);
  - (3) For a two-family or three-family rental: seventy-five dollars (\$75.00) per unit;
- (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 single-family rental: one hundred twenty-five dollars (\$125.00);
  - (2) For a condominium rental: one hundred dollars (\$100.00) per unit;
  - (3) For a two-family or three-family rental: one hundred twenty-five dollars (\$125.00) per rental unit.
- (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 fifty dollars (\$50.00) per dwelling structure.
- (j) If no application for a Certificate of Rental Registration ~~or Exemption Form~~ is submitted when required by this Chapter, the Building Commissioner shall charge the owner or operator the fee set forth in this Section.
- (k) The City shall reinstate a Certificate of Rental Registration 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 fifty dollars (\$50.00), 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.

## **INSPECTION OF RENTAL DWELLINGS.**

- (a) The Building Commissioner, Safety Director or designee is authorized to conduct an inspection of single-family rentals and multiple dwelling rental units as determined by the Building Commissioner.

- (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 structure be open for inspection at the time arranged and/or noticed, which shall be during regular business hours. If the owner, agent, or occupant/tenant 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, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.

#### **CERTIFICATE OF RENTAL 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 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 \_\_\_\_\_.