

ORDINANCE NO.: 34 -2014
INTRODUCED BY: Mayor Headen

AN ORDINANCE AMENDING SECTION 1306.04 OF THE BUILDING CODE TO AUTHORIZE DELINQUENT FEES FOR CERTIFICATES OF AUTHORIZED OCCUPANCY FOR RESIDENTIAL RENTAL UNITS TO BE CERTIFIED TO THE COUNTY AS TAX LIEN UPON THE PROPERTY.

WHEREAS, the Building Commissioner has established that certain owners, agents or persons in charge of residential rental dwelling units have not paid the fees for the annual application for a Certificate of Authorized Occupancy for the rental units and/or the late fee as required by Section 1306.04 of the Building Code; and

WHEREAS, a criminal prosecution in municipal court for a violation of the fee requirements in Section 1306.04 of the Building Code may not always be the most efficient and economical method of collecting delinquent fees for this purpose; and

WHEREAS, the City has authority to certify delinquent municipal fees to the County Fiscal Officer to collect the delinquent fees by making the same a lien upon the lands of said rental unit premises to be collected as other taxes and returned to the City with the General Fund;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 1306.04, "Fees", of Chapter 1306, "Certificate of Authorized Occupancy", of the Building Code of the City of Richmond Heights is hereinafter amended to provide as follows:

"1306.04 FEES.

(a) Unless otherwise indicated, an application for a certificate of authorized occupancy shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250.00) for each dwelling unit for the initial annual certificate of authorized occupancy required by Section 1306.02 of this Code. For each subsequent annual renewal of the certificate of authorized occupancy, a fee of one hundred fifty dollars (\$150.00) for each dwelling unit shall be charged.

(b) Notwithstanding the ~~foregoing~~ charges in subsection (a) hereof, in the case of a multiple dwelling building, the application fee for an initial certificate of occupancy shall be the greater of either seven hundred fifty dollars (\$750.00) or twenty-five dollars (\$25.00) per

dwelling unit and for each subsequent annual renewal of the certificate of authorized occupancy, it shall be the greater of either four hundred fifty dollars (\$450.00) or twenty-five dollars (\$25.00) per dwelling unit.

(c) In addition to the penalty and remedies set forth in Section 1306.99 of this Code, in the event an owner, agent, or person in charge of any rental unit fails to timely submit a complete and proper application pursuant to Sections 1306.02 and 1306.03 of this Code, an additional fee of one hundred twenty-five dollars (\$125.00) shall be charged to such owner, agent, or person in charge prior to the issuance of a certificate of authorized occupancy.

(d) If the person responsible for paying the fees set forth in this section fails to make the payment of any such fees within sixty (60) days of the date of a notice of delinquency of fee payment being sent to such person by regular United States Mail:

- (1) The Building Commissioner shall report the failure to make payment and the amount owed in writing to City Council; and**
- (2) Upon Council's receipt of the report of the amount owed in subsection (d)(1) of this section, it shall make written return to the Fiscal Officer of Cuyahoga County of the City's action to collect the delinquent fees with the statement of the amount owed on those delinquent fees and a description of the premises of the person responsible for paying the fee for which the certificate of authorized occupancy was required for the purpose of making the same a lien upon the lands of said premises, to be collected as other taxes and returned to the City with the General Fund."**
- (3) An administrative fee of \$150 shall be added to the total amount owed per Sections 1306.04(a) through 1304.06(c) of this ordinance by the owner of each parcel for which the failure to make the necessary payments was reported to City Council by the Building Commissioner. Said administrative fee shall be added to the amount reported to the County Fiscal Officer to be collected as taxes.**

Section 2: Existing Section 1306.04 of the Codified Ordinances of the City is hereby repealed as of the effective date of this Ordinance.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:_____

Miesha Wilson Headen, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council