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which is part of the notice, the city intends to enter upon the premises under authority of 17-110 to perform the work required by the notice. Such advance notice may be reduced or dispensed with as explained in 17-109.5 dealing with emergency situations. This type of advance notice provides a basis for the city to recover (through the procedures described in Ohio Revised Code 715.261) any costs it may incur in correcting unsafe structures or hazardous conditions or abating unlawful conditions as nuisances.

- I. The notice shall give an explanation of the fact that, as an alternative to performing the correction work within the reasonable time allowed in the notice (and to avoid the city entering upon the property to perform that work if the owner fails to do so), the owner or any lienholder of record may enter into a written contract with the city in which that owner or lienholder gives a written promise, guaranteed by a sufficient surety (as described below), that the work will be completed within such additional reasonable time as may be agreed to between those parties. Such a sufficient surety must be a performance bond, letter of credit or cash deposited with the city in the amount of one and one-half times the cost of the work, as reasonably estimated by the city, with the terms, conditions and issuing company or bank to be satisfactory to the city attorney.
- J. The notice shall include an explanation of the intention of the city to recover the costs it may incur in correcting such unsafe, hazardous, or unlawful nuisance conditions through certifying those costs to the county auditor to be placed as a real estate tax lien against the premises (under Ohio Revised Code 715.261 as referred to in paragraph H above) and/or to commence a civil lawsuit to recover those costs from the owner and/or to use other legal remedies to enforce this code.

17-107.5 PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS.

The title of this section is amended to read as set forth above. The content of this section is revised to read as follows:

- A. It shall be unlawful for the owner of any real estate premises to transfer legal or equitable ownership of that premises ("title"), or change of tenant, without having obtained a pre-sale inspection of it under this code. This inspection will enable the code official to work toward accomplishing the purposes of this code by listing any repairs or other work necessary to eliminate any unsafe or hazardous conditions, to comply with applicable requirements of the Fire Code, Zoning Code and other ordinances, and also to correct any unlawful nuisance conditions in the form of violations of this Property Maintenance Code. Such an inspection and list shall be part of the process of issuing the required certificate of occupancy.

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- B. Application for a pre-sale inspection shall be made on such form and in such manner as may be prescribed from time to time by the code official. The city may charge a fee for this service as provided for under Chapter 153.
- C. Within 21 days after application was made for a pre-sale inspection, the code official shall have completed the inspection, compiled a list of any items to be brought into compliance with this code and applicable provisions of the Fire Code, Zoning Code and other ordinances, and shall have issued a violation letter to the owner or lienholder of a premises. This period of time may be extended by the code official if a delay is caused by any matter beyond the reasonable control of that official.
- D. A certificate of occupancy shall be valid for one year after the violations have been corrected to the satisfaction of the code official or until 60 days after the premises may be transferred to a new owner or tenant, whichever occurs sooner.
- E. Any rental unit inspection required under this chapter may be waived by the code official, and an occupancy certificate may be granted without such inspection, so long as all of the following conditions are met:
 - 1. The subject property has already undergone a pre-sale or rental unit inspection during the twelve (12) months immediately prior to the most recent change of tenant;
 - 2. The city has not received any zoning or property maintenance complaints about the subject property during the twelve (12) months immediately prior to the most recent change of tenant; and
 - 3. The property owner is otherwise in compliance with all requirements of this Property Maintenance Code, including but not limited to the timely provision of Tenant Information forms with each change of tenant at the property.
- F. If the owner, occupant, or agent thereof does not consent to the proposed inspection, the code official may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the nonconsent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this section. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:
 - 1. Eyewitness account of violation;
 - 2. Citizen complaints;
 - 3. Tenant complaints;
 - 4. Plain view violations;
 - 5. Violations apparent from city records;
 - 6. Property deterioration;

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7. Age of property;
8. Nature of alleged violation;
9. Condition of similar properties in the area;
10. Documented violations on similar properties in the area;
11. Passage of time since last inspection;
12. Previous violations on the property.

If a warrant is issued, no owner, occupant, or agent thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein by the code official or his/her duly authorized designee for the purpose of inspection and examination pursuant to this section and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the inspection shall still take place but the scope thereof shall be limited to such areas as are in plain view. A limited-scope inspection conducted pursuant to this paragraph shall be considered an "inspection" for purposes of Section 17-106 and all other provisions of Title 17 pertaining to the pre-sale inspection program set forth in this section. No criminal penalty shall attach, nor shall any certificate of occupancy be denied, solely by reason of the owner's, occupant's, or agent's refusal to consent to a full inspection.

A certificate of occupancy signed by the code official shall be evidence that the premises complies with the requirements of this code and all other applicable ordinances, provided however, that if a limited-scope inspection is conducted pursuant to subsection E above, the certificate of occupancy shall note that fact and shall not constitute evidence of code compliance as to any uninspected portions of the premises. If the inspection disclosed aspects of the property not in compliance, the certificate shall be merely a conditional certificate of occupancy. The condition shall be that the defective aspects of the premises must be brought into compliance with this code within such reasonable length of time as may be set forth in the certificate.

Such a conditional certificate shall be deemed to be a notice under 17-110.1 and/or 17-110.2 that the premises and its owners are in violation of this code or other applicable ordinances and that the unsafe, hazardous, or unlawful conditions must be corrected. The certificate shall constitute a notice, as referred to in 17-106.1 and its subparts, and shall include all matters required by that section.

LEGISLATIVE HISTORY: Ord. 2571, passed 7/1/68; Ord. 2579, passed 9/16/68; Ord. 2617, passed 4/21/69; Ord. 3109, passed 12/17/79; Ord. 3253, passed 4/5/82; Ord. 3906, passed 11/6/89; Ord. 4145, passed 7/29/92 (Ed. Note: replacement and recodification); Ord. 4587, passed 7/11/2005; Ord. 4827, passed 7/5/16; Ord. 4908, passed 4/6/2020; Ord. 4913, passed 6/1/2020.

17-107.6 RESPONSIBILITY FOR CORRECTING DEFECTIVE ITEMS.

This section is added to implement the Oakwood pre-sale inspection procedure. It reads as follows: