

**CHAPTER 17-EIGHT
RESIDENTIAL RENTALS**

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This chapter is being added so as to carry forward into this Property Maintenance Code requirements from the previous Property Maintenance Code of this city.

17-800 GENERAL MATTERS.

17-800.1 INSPECTION

- A. As soon as reasonably practicable after the tenants have vacated a dwelling unit, the commissioner of buildings shall cause an inspection of the dwelling unit and any other areas of the premises available for use by the tenants of that dwelling unit (hereinafter called "accessory property") to be made as described in Chapter 17-One of this Property Maintenance Code.
- B. At the time notice of change of occupancy of any dwelling unit is given, the owner or operator of the dwelling shall complete an inspection form and schedule an appointment for a time during normal business hours in order for the owner or operator to admit the code official or a representative thereof.
- C. The owner or operator of a premise with a rental unit is subject to have the interior of its structures and rental units inspected, at any time, in response to a complaint of an alleged violation of any of the provisions of this Chapter or the provisions of the application of city of Oakwood Codes. For purposes of this provision, a complaint shall be deemed "received" if it is:
 - a. Submitted in writing;
 - b. Includes a description of the real estate or dwelling sufficient for identification;
 - c. Includes the name of the landlord, managing agent, or operator and contact information sufficient to contact the owner, operator, or agent;
 - d. Includes a clear statement of the alleged violation or condition that leads to the belief that a violation exists.

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- D. The owner of a rental unit shall pay an inspection fee for any interior inspection performed as required by subsection B of this section, except as exempted under E below. The amount of the fee shall initially be \$50.00 per unit inspected, but shall subsequently be reviewed and increased if the City Manager determines it necessary to cover the cost of the inspection.
- E. No fee shall be required for an interior inspection prompted by a complaint submitted under Subsection C unless violations are noted at which time the property owner will be charged an inspection fee as established by subsection D above.
- F. Money collected under this Section shall be used exclusively for rental unit inspection purposes.

17-800.2 ACCESS TO UNIT

A. Access by Owner or Operator

Every occupant of a rental unit shall give, upon proper notice, the owner or operator thereof, or his/her agent or employee, access to any part of such rental unit at all reasonable times for the purpose of effecting such maintenance, making such repairs or making such alterations as are necessary to effect compliance with any lawful notice or order issued pursuant to the provisions of the applicable city of Oakwood Codes.

B. Access by Code Official

The Code Official or his/her duly authorized designee is hereby authorized to conduct inspections of any rental unit within the city of Oakwood in order to perform the duty of safeguarding the health, safety and welfare of the occupants and the public under the provisions of this chapter. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter or the provisions of the Codified Ordinances of the city of Oakwood or whenever the Code Official or his/her duly authorized designee has probable cause to believe that there exists in any rental unit any condition which makes such rental unit in violation of any of the provisions of this Chapter or the provisions of the applicable city of Oakwood codes, the Code Official or his/her duly authorized designee may enter such rental unit at all reasonable times to inspect the same or to perform any duty imposed upon the Code Official by this Chapter or other applicable provisions of the Codified Ordinances of Oakwood. If such rental unit is occupied, the Code Official shall first make a reasonable effort to locate the occupant, giving at least 24-hour notice of intent to inspect the premises and at least 24-hour notice of right to refuse entry. For purposes of Section 17-106 of the Property Maintenance Code, it shall be a violation of Section 17-800 et seq. to willfully refuse to respond to a notice of intent to inspect the premises. It shall not be a violation of any Ordinance of the city of Oakwood to reasonably refuse to permit entry to a Code Official upon notice. After provision of the 24-hour notice of intent to inspect, the Code Official or his/her duly authorized design shall at such time:

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1. Identify himself/herself and his/her position;
2. Explain why entry is sought;
3. Explain that the owner/operator or tenant of an occupied rental unit or other person(s) having charge or control of an unoccupied rental unit may refuse, without penalty, entry without a search warrant;
4. Provide documentation of written notice to the owner/operator giving 7-day notice of deficiency. (Such notice shall not be construed to imply that the repairs need to be completed at that time.)

C. Search Warrant

If consent to inspect a rental unit is withheld by any person or persons having the lawful right to exclude, the Code Official or his/her duly authorized designee may apply to a court of competent jurisdiction for a search warrant of the rental unit. No owner/operator or occupant or any person having charge, care or control of a rental unit shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the Official or his/her duly authorized designee for the purpose of inspection and examination pursuant to this Chapter.

17-800.3 SUPPLEMENTATION OF INFORMATION FILED WITH COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE § 5323

Within fifteen (15) days of mailing of the city of Oakwood's request for tenant information, and within fifteen (15) days after any change of tenant(s) occupying the property, the owner of residential rental property shall submit to the code official, on the form provided, the following information for each tenant occupying each residential rental property registered with the County Auditor pursuant to Ohio Revised Code § 5323:

- a. Each tenant's full name;
- b. Each tenant's relationship, or lack thereof, to any other persons residing in the same dwelling unit;
- c. The date on which each tenant's occupancy commenced; and
- d. A valid telephone number that can be used by the City to contact tenants directly in case of emergency or other problem. (It is not necessary to provide separate telephone numbers for each tenant, so long as at least one telephone number is provided.)

Failure to properly register the property with the County Auditor shall not relieve the owner of the reporting obligation under this section.

17-800.4.1 NOTICE OF VIOLATION; TIME FOR PERFORMANCE;

Other matters regarding notice of violation, time for performance, appeals, variances, inspections, penalties and other aspects of administration are covered in Chapter 17-One of this Property Maintenance Code.

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17-801 SHORT-TERM RENTALS PROHIBITED.

17-801.1 PURPOSE

Council of the city of Oakwood has determined that the short-term rental of residential property is inconsistent with the permanence, established character, density, and tranquility of Oakwood's residential neighborhoods and is potentially detrimental to property values. The purpose and intent of this ordinance is to prohibit short-term rentals to protect and preserve these qualities of Oakwood's residential neighborhoods and to provide for the comfort, safety, and welfare of Oakwood residents.

17-801.2 DEFINITIONS

- A. "Transient Occupancy" means the right to use, occupy or possess, or the actual use, occupancy or possession, of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for a period of twenty five (25) consecutive calendar days or less.
- B. "Transient Rental" means the renting, letting, subletting, leasing or subleasing of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for Transient Occupancy use.

17-801.3 PROHIBITION

On or after January 1, 2020, no person shall operate, let, list, advertise, or otherwise make available, any residential property in the city of Oakwood for Transient Rental purposes.

17-801.4 NOTICE OF VIOLATION; TIME FOR PERFORMANCE; APPEALS; VARIANCES; INSPECTIONS AND PENALTIES ARE DEALT WITH IN OTHER SECTIONS OF THIS CODE

Other matters regarding notice of violation, time for performance, appeals, variances, inspections, penalties, and other aspects of administration are covered in Chapter 17-ONE of this Property Maintenance Code.

LEGISLATIVE HISTORY: Ord. 3452, passed 10/1/84; Ord. 3465, passed 11/19/84; Ord. 4587, passed 7/11/05, effective 8/11/05; Ord. 4609, passed 7/24/06; Ord. 4616, passed 12/18/06, effective 1/18/07; Ord. 4867, passed 12/10/2018, effective 1/10/2019. Ord. 4889, passed 8/5/2019, effective 9/5/2019.