

RECORD OF ORDINANCES

Ordinance No. 3046-13

Passed 4-22-13

AN ORDINANCE OF COUNCIL FOR THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, PROVIDING FOR THE REGISTRATION OF RENTAL HOUSING PROPERTIES WITHIN THE VILLAGE OF LODI, AND REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution grants municipal corporations the legal authority to adopt land use and control measures to promote the health, safety, and general welfare of its citizens, and Section 715.26(B) of the Ohio Revised Code authorizes municipalities to provide for the inspection of buildings or other structures; and

WHEREAS, there exists within the Village of Lodi various residential rental housing properties;

WHEREAS, residential rental properties can be subject to deterioration, abuse, improvement without permit, over-occupancy, or other conditions of construction or use that can adversely affect the safety of the occupants of such structures, the quality of living conditions within such structures, and the value of such structures, as well as the values of the properties and structures within the neighborhoods and vicinity of such structure; and

WHEREAS, the Mayor and Council of the Village of Lodi believe that there is an appropriate balance that should be maintained between the rights and interests of residential rental property owners and of the public at large; and

WHEREAS, the Mayor and Council of the Village of Lodi deem it necessary in the public interest to be aware of who the owners and occupants of residential rental properties within the Village of Lodi, so that they can be contacted in the event of emergency or if it becomes necessary to abate nuisances; and

WHEREAS, pursuant to Section 713.12 of the Ohio Revised Code, the Council of the Village of Lodi sent notice of, and conducted a public hearing relating to this matter; and

WHEREAS, the Council of the Village of Lodi finds that it can serve the health, safety, and general welfare of its citizens by adopting this Ordinance for leased residential property, including buildings and structures; and

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, THAT:

SECTION 1. The provisions of this Ordinance shall apply to all existing residential premises, that are leased properties within any zoning district within the Village of Lodi, Ohio.

SECTION 2. Definitions.

(a) The following words shall mean the following in this Ordinance. Words in the singular include the plural. Words used in the present tense include the future tense. The word “shall” is mandatory, and the word “may” is permissive.

(1) The following specific terms shall mean:

(A) “Landlord” means the owner, lessor, or sublessor, of residential premises, or any agent of the owner, or any person authorized by the owner to manage the premises, who receives rent from a tenant under a rental agreement in exchange for granting possession to the property.

(B) “Rental agreement” means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by a tenant.

(C) “Residential premises” means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. This definition does not include a unit, structure, or facility for the use of tenants solely for commercial or business activity, or hospitals, hotels, motels, patient care facilities, campgrounds, temporary camps, or school buildings.

SECTION 3. Every landlord of residential premises, whose dwelling units are situated in the Village of Lodi, shall register with the Clerk-Treasurer of the Village of Lodi on an annual basis. No dwelling unit of any residential premises shall be occupied unless and until the landlord registers on the following basis:

(a) The initial registration is requires to be completed not later than December 31, 2013.

(b) Each landlord shall re-register during the month of January of each subsequent calendar year beginning in January of 2015.

(c) A landlord shall complete the form provided by the Clerk-Treasurer indicating all of the following:

(1) Identify the name and address of the record owner or owners of the premises and the record owner or owners of landlord if not the same persons, and the contract information if different;

(2) Identify the address of the residential premises or any dwelling unit thereof;

(3) Identify the type of residential premises subject to the rental agreement;

(4) Identify the name and contact information for the tenant of the residential property;

(5) Identify the information relating to the rental agreement, including but not limited to, whether the landlord or the tenant is responsible for the payments of utilities;

(d) A landlord shall file a new registration form with the Clerk-Treasurer each time his or her residential property is transferred to another person. The updated registration form shall be submitted within ten (10) days of the transfer.


SECTION 4. Penalty; Equitable Remedies.

(a) Any person, firm, or corporation violating any provision of this Ordinance, or supplements or amendments thereto, for which no penalty is otherwise provided, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, **shall be fined not less than one hundred dollars (\$100.00)**. Each thirty day period of a continuing violation of this Ordinance shall be deemed a separate offense, after thirty days have passed without being remedied. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to: an injunction preventing certain actions until he or she complies with the requirements of this Ordinance.

SECTION 5. The Council for the Village of Lodi hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases by be declared unconstitutional under state or federal law.


SECTION 6. The Clerk-Treasurer is hereby directed to publish the enactment of this legislation in accordance with law.

SECTION 7. This Ordinance is hereby declared to be a necessary for the preservation of the public peace, health, safety and welfare of the Village of Lodi. This Ordinance is hereby declared to be passed in accordance with all applicable notice requirements and all applicable open meeting laws. This Ordinance shall take effect and be in force after the earliest period of time allowed by law.



Robert Geissman, Mayor

ATTEST:



Annette Geissman
Clerk-Treasurer

Irving B. Sugerman
Village Solicitor