

CHAPTER 703 – REGISTRATION OF RENTAL UNITS

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(Ord. 43-2022 eff 06/25/2022)

SECTION 703.01 PURPOSE

The purpose of this Chapter is to hold all property owners and agents to the same property maintenance standards as set forth in Part 17 of the Codified Ordinances of the City of North Canton and to provide a safe and sanitary environment for the residents and their guests of all rental dwelling units.

SECTION 703.02 DEFINITIONS

(a) "Rental License" means a license issued by the Director of Permits pursuant to this Chapter attesting that the Rental Unit has been inspected in accordance with the provisions of the Chapter, stating all violations, if any, found at the final inspection, and the term of the license based on such violations.

(b) "Rental Unit" means any premises or portion thereof containing units being occupied, intended to be occupied, or designed to be occupied for residential purposes by a tenant or person in like circumstances of a tenant such as the tenant (purchaser) of a land contract.

(c) "Premises" means a lot, plot, parcel of land, easement, or public way, including any structures thereon.

(d) "Owner" means any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property,

including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

SECTION 703.03 REGISTRATION OF RENTAL UNITS REQUIRED

On and after January 1, 2023, no owner, agent, or person in charge of any non-owner occupied building eight (8) or fewer Rental Units shall rent or let for occupancy such unit(s) or any part thereof for use as rental of residential or temporary occupancy, nor shall a person occupy such premises unless the owner thereof holds a Rental License and a Rental License has been issued for the unit by the Director of Permits, which license has not expired, been revoked, or otherwise become null and void.

(Ord. 05-2023 eff. 12/13/2022)

SECTION 703.04 RENTAL LICENSE; ISSUANCE AND TERM

(a) Any building a) containing eight (8) or fewer Rental Units or b) that is the subject of six (6) or more calls to and/or visits from the North Canton Police Department related to potential violations of Part 5 of the Codified Ordinances of the City of North Canton, regardless of whether a criminal report is taken in relation to said call or visit, shall be required to apply for and maintain a valid Rental License.

(Ord. 05-2023 eff. 12/13/2022)

(b) Upon application for a Rental License required by the provisions of this Chapter the owner of any rental unit shall provide on forms supplied by the Director of Permits the following:

- (1) Street address and unit number(s) of Rental Unit(s) to be certified for occupancy.
- (2) Name, address, and contact information for the property owner.
- (3) Name, address and contact information for the agent or person in charge of the property if other than the owner. If the owner resides outside of Stark County or the contiguous Ohio Counties thereto the owner must supply information for a local agent, or person in charge, who resides in the above-mentioned counties.
- (4) The nature and extent of use of occupancy.

(c) Upon the filing of an application for a Rental License and the payment of the associated application fee the Department of Development Services shall cause a general inspection of the Rental Unit and premises to be made to ensure compliance with the Part 17 of the Codified Ordinances.

- (1) Upon completion of an inspection, an inspection report will be issued to the owner or agent of the rental property within ten (10) business days.
- (2) Violations enumerated in the inspection report shall be abated within thirty (30) days from the date of delivery/receipt of the written inspection report. A reinspection shall be required to verify that the violations have been corrected. Property owners or their agents shall contact the Department of Development Services to schedule the required re-inspection.

- (3) Failure to correct the violations within thirty (30) days from the inspection report date shall constitute a violation of this Chapter. Upon written request the Director of Permits may grant additional time in writing necessary to correct the violation(s).
- (4) The Director of Permits, following the third or final inspection, whichever occurs first, and issuance of an inspection report shall also issue a Rental License in accordance with the following schedule of terms.

Number Of Violations Present in Rental Unit Upon Last Inspection.	Type Of Rental License	Term of License
No more than two (2)	Three Year License	Three (3) Years
Greater than two (2) but no more than five (5)	Two Year License	Two (2) Years
Greater than five (5) but no more than nine (9)	One Year License	One (1) Year
Greater than nine (9)	Six Month License	Six (6) Months

- (A) Property owner(s) shall schedule inspections for their property no later than thirty (30) days from the date the application for a Rental License is filed. The Director of Permits will attempt to schedule said inspection with the Owner at a date and time that is convenient for the Owner. The Owner may miss one (1) scheduled inspection date without affecting the application status. In the event the Owner misses the second scheduled inspection date, the Director of Permits will be limited to issuing the Owner a Six Month Rental License.
- (B) Property owner(s) is responsible for notifying tenants of pending inspections in accordance with State Law and applicable lease requirements.
- (C) If a property owner fails to schedule inspections for their property within thirty (30) days from the date the application for a Rental License is filed or declines to have the Rental Unit inspected the Director of Permits:
 - (i) may obtain an order or warrant to inspect from a court of competent jurisdiction; or
 - (ii) may issue the Owner a Six Month Rental License for that Rental Unit.
- (5) During the term of a previously issued Rental License the License of a property may be revoked by the Director of Permits if the certified property receives more than five (5) validated nuisance complaints or more than two (2) validated fire life safety code violations as defined in the inspection report and/or call for police services in response to disorderly conduct or Part V Crimes.
 - (A) Whenever the Rental License is revoked by the Director of Permits pursuant to Section 703.05(b)(5), the Director of Permits shall cause notice of such revocation to be sent to the property owner

and/or manager by first class mail at least seven (7) days prior to the revocation taking effect.

- (B) A new Rental License shall be applied for not more than thirty (30) days after notice of such revocation and owner shall schedule inspections with the Director of Permits pursuant to Section 703.04(c)(4)(A).

SECTION 703.05 EFFECTS OF CHANGE IN OWNERSHIP OR USE

(a) In the event of a new rental unit not previously certified for occupancy application shall be made at least ninety (90) days prior to occupation of the unit or building by a tenant unless specifically excepted by the Director of Administration.

(b) In the event there is a change in ownership of record, shown on the Rental License, the owner shall notify the Department of Development Services, in writing, within thirty (30) days from such change, giving the name and address of the new owner. Failure to so notify the Department of Development Services within the specified time shall constitute a violation of this Chapter and will require the new owner to apply for a new Rental License.

- (1) Change in ownership shall be defined as registration of new ownership with the County Auditor's office.
- (2) Notification of change shall be made on forms obtained from the Department of Development Services.
- (3) Such new License shall expire on the same date as that of the License which it replaced. There shall be no fee charged for said change, if made within said prescribed time limit.

(c) Any change in the nature or extent of the use of occupancy as specified in the Rental License shall render the Rental License null and void upon the happening of such change.

- (1) No such change is permissible under this Chapter unless such change has been approved by the Director of Permits, and unless a new Rental License incorporating such change has been issued. The new License shall expire on the same date as that of the License which it replaces.
- (2) Any such change without the approval of the Director of Permits will subject the owner, operator, or agency to the penalties provided herein.

(d) Any entity foreclosing on any property licensed under this Chapter must notify the City of the foreclosure and taking of property upon the final sale and conveying of said property.

(e) In the event there is a change in tenant of a Rental Unit certified under the provisions of this Chapter the Rental License issued under the provisions of this Chapter shall be null and void.

- (1) A new Rental License shall be applied for not more than thirty (30) days after owner, agent, or person in charge of said property has received notice of the expected departure of the current tenant.
- (2) Such new License will expire on the same date as that of the License which it replaced.

- (3) There shall be no fee charged for said change, if made within said prescribed time limit.
- (4) The inspection(s) to take place for the new Rental License shall cover only those units which experienced a change in tenant. Any reasonable period of time, as determined by the Chief Building Officer, for which a multi-unit property is without a Rental License due to the change of tenant in one unit but, continues to let for occupancy those units which have not experienced a change in tenant, shall not constitute a violation of this Chapter.
 - (A) City shall work with property owners to schedule inspections for the time period between tenants if possible.

SECTION 703.06 POSTING OF LICENSE

The owner, agent, or person-in-charge of a rental unit used for residential occupancy shall retain and furnish to the tenant or lessor of the rental unit a copy of the Rental License for the unit.

SECTION 703.07 FEES

(a) Fees collected under the Rental Registration and Inspection Program shall be used exclusively for funding and administering the implementation and perpetuity of the Rental Registration process and Inspections subsequently conducted.

(b) All Rental Units shall pay an application fee for a Rental License according to the below chart. The fees shall cover the full term of the issued Rental License regardless of type.

Number of Rental Units per Building	Rental License Application Fee
One Rental Unit	\$100.00
Two Rental Units	\$150.00
Three Rental Units	\$200.00
4 or more Rental Units	\$50.00 per unit

- (1) Reinspection Fees. The initial inspection and one reinspection are included in the application fee paid to the City for the Rental License. Any subsequent reinspection will require a reinspection fee of fifty dollars (\$50.00).

SECTION 703.08 SPECIAL PROVISIONS

(a) In the event mold is suspected or verified, the owner or agent will be required to obtain full abatement by a certified mold remediation company or provider.

(b) All Rental Units shall be provided with Smoke Alarms in each sleeping room, the areas immediately adjacent to the sleeping rooms, and a minimum of one (1) per floor where no sleeping rooms are located. If possible, without removal of drywall, the Smoke Detectors shall be hard-wired and interconnected. Otherwise, battery operated Smoke Detectors shall be installed.

SECTION 703.99 PENALTIES

(a) Whosoever violates any provisions of this chapter shall be subject to civil penalties as stated herein. Each day's continued violation shall constitute a separate offense. Violations shall include:

- (1) Failure to register and pay the requisite fees within 30 days of the transfer of title shall result in a late fee of \$100.00.
- (2) Failure to obtain a Rental License prior to occupying the structure shall result in a penalty of \$100.00.
- (3) Failure to correct all violations contained in the written report from the Building Inspector within the time period allowed shall result in a penalty of \$100.00.

(b) The purpose of any penalties imposed is to abate the nuisance. Failure to comply with this Ordinance shall be deemed a nuisance.

(c) The imposition of any penalty as provided for in this Chapter shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, to restrain, correct or abate a violation, to prevent the occupancy of a building, or premises, or to require compliance with the provisions of this Chapter or other applicable laws, ordinances, rules or regulations or in the orders or determinations of the Director of Permits, the Director of Administration, or the Zoning and Building Standards Board of Appeals.

SECTION 703.100 APPEALS

(a) Means of Appeal. Any person directly affected by a decision of the code official, a notice, order, or other documentation issued under this code shall have the right to appeal to the Property Maintenance Review Board, provided that a written application for appeal is filed with the Property Maintenance Review Board Clerk within thirty (30) days after the day the decision, notice, order, or other documentation was served upon the property owner, occupant, or agent having charge of the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Action by Board. The Property Maintenance Review Board shall affirm, modify, or reverse the decision of the code official only if three of the appointed Board members and/or alternates are present at the hearing and render a decision of the same.

- (1) The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.
- (2) The code official shall take action within a reasonable period of time in accordance with the decision of the Property Maintenance Review Board.

(c) Court Review. Any person, who is a previous party of the appeal, shall have the right to seek judicial review in any manner as provided by law to appeal a decision of the Property Maintenance Review Board in relation to this Chapter.

(d) Stays of Enforcement. Appeals of notice and orders issued pursuant to this Chapter shall stay the enforcement of the notice and order until the appeal is heard by the Property Maintenance Review Board.