

Residential Rental Housing Property Registry Regulations

SECTION 1341.01 PURPOSE

It is the purpose of this chapter to aid in identifying the ownership of residential rental property within the City of Marietta, Ohio as part of the process to protect the public health, safety and welfare of the citizens of Marietta, Ohio. To provide contact information for rental property owners and their agents for notification purposes only, when investigating written property complaints. There is no registration fee or inspection required to register, nor an annual inspection required to maintain registration. This chapter does not include commercial or industrial properties.

SECTION 1341.02 DEFINITIONS.

- (A) "Lease" means the written or oral agreement that sets forth any and all conditions concerning the use and occupancy of residential rental housing property, residential rental dwelling or residential rental units.
- (B) "Person in Control" means an owner, owner's agent, tenant, tenant's agent, or any person(s) that has the right to enter and allow or permit others to enter for the purpose of verification of the nature and/or use of a rental dwelling and/or premises.
- (C) "Property and/or Dwelling Owner" (also referred to as owner) means any person who, alone, jointly, or severally with others has the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. The term "Property and/or Dwelling Owner" shall also include residential rental property that is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, and other unincorporated associations
- (D) "Property Inspector" means the Code Enforcement Officer and/or any other public official or other designated authority of the City of Marietta, Ohio.
- (E) "Rental Dwelling" means any structure, building, dwelling, housing unit, or the like which is used for or intended to be used for renting, letting, leasing, or a similar act or arrangement, to someone other than the owner, in return for money, monetary consideration, services or any other consideration for the use of the unit for living arrangement.
- (F) "Residential Rental Housing Property" means a real property parcel of land, premises, lot, or site, where one or more structures, buildings, dwellings, housing units, or the like, are used or intended to be used for renting, letting, leasing, or other similar act or arrangement, to someone other than the owner, in return for money, monetary consideration, services or any other consideration for the purpose of using the property for living arrangements and includes a mobile

home park or land otherwise rented to tenants for the purpose of parking a manufactured home, mobile home, or recreational vehicle, solely for residential purposes.

SECTION 1341.03 FILING OF INFORMATION BY OWNER.

(A) The Property and/or Dwelling Owner of each Residential Rental Housing Property or Rental Dwelling shall file with the City Code Enforcement Officer the following information on a registration form provided by the City Code Enforcement Officer:

- (1) The street address and permanent parcel number of the Residential Rental Housing Property or Rental Dwelling.
- (2) Number of housing units located on the Residential Rental Housing Property or Rental Dwelling.
- (3) The name, physical and mailing address, and the telephone number of the owner where the owner can be reached on a regular basis. A post office box will not be accepted as a physical address, but should be listed if used as the mailing address if mailings are to be sent there.
- (4) The name, physical and mailing address, and the telephone number of a contact person, if the owner desires initial contacts to be directed to a third party connected to the property, including a property manager or similar entity. A post office box will not be accepted as a physical address, but should be listed if used as the mailing address if mailings are to be sent there. The designation of a contact person is not required.
- (5) If the Residential Rental Housing Property or Rental Dwelling is owned by a Corporation, Partnership, Trust, Estate, Association, Limited Liability Company, or any other business entity, the Property and/or Dwelling Owner shall provide the physical and mailing address, business telephone number, business email address for the principal place of business for the Corporation, Partnership, Trust, Estate, Association, Limited Liability Company or other business entity. A Post Office Box will not be accepted as the physical address, but should be listed if used as the mailing address if mailings are to be sent there.
 - a. As to all business entities listed above, the information in A(1) and A(2) is required.
 - b. The name and business address and telephone number shall be provided for a Trustee, in the case of a Trust or Business Trust, the Executor or Administrator, in the case of an open or pending Estate;

(B) The information required under division (A) of this section shall be maintained by the Code Enforcement Officer.

- (C) An Owner of Residential Rental Housing Property or Rental Dwelling shall update the information required under division (A) and (B) of this section within Thirty (30) Days after any change(s) in the information occurs.

SECTION 1341.04 EXEMPT RESIDENTIAL UNITS.

Certain types of residences shall be exempt from the requirements of this chapter including but not limited to:

- (A) Tourist homes, bed and breakfast establishments, hotels, motels, recreational vehicle parks and camps without continuous occupancy by the same tenant for more than thirty (30) days.
- (B) College or university dormitories owned and operated by a college or university; sororities and fraternities owned and operated privately or by a college or university.
- (C) Adult Family Home and Adult Group Home operated under Ohio Revised Code Title 37.
- (D) Family Homes, Family Foster Homes, Foster Family Homes, Foster Homes, Group Homes or Community Residential Facilities operated under Ohio Revised Code Title 51.
- (E) Nursing Homes and similar residential care facilities.
- (F) Prisons, jails, work facilities or other places of incarceration or correction including but not limited to halfway houses, residential facilities under community control sanctions, post-release control sanctions, or parole.

SECTION 1341.05 VERIFICATION AND ENFORCEMENT.

(A) Verification

Upon a written Complaint, the Property Inspector shall have the authority to verify whether any residential rental housing property, rental dwelling, or other premises in the City is registered in compliance with this chapter, in order to validate or disregard the Complaint. Such authority does not give the Property Inspector the right to enter into any rental dwelling without the consent of a person in control of the property unless he has first obtained a duly issued warrant.

(B) Enforcement

- (1) It shall be the duty & responsibility of the Code Enforcement Officer to enforce the provisions of this chapter. He shall work in close cooperation with other departments and agencies. The Code Enforcement Officer shall be free from personal liability for acts done in good faith in the performance of official duties.

- (2) The Code Enforcement Officer, prior to the issuance of a “Notice of Violation” to the Property and/or Dwelling Owner, shall attempt to make contact with the owner to attempt to remedy any non-compliance with Chapter 1341, another Marietta City Ordinance or state law that regulates real estate and/or rental property.
- (3) Notice of Violation – Where a Violation of this chapter exists, the Code Enforcement Officer shall cause a written notice of such violation(s) to be served upon the person(s) or entity responsible for the code violation. Such written notice shall contain the following:
 - a. The notice shall state the location of such violation
 - b. The notice shall specify the violation
 - c. The notice shall provide for a reasonable period of time, not to exceed 30 days, to correct the violation
 - d. The notice shall state the Violation Administration Fee of \$100.00 shall be submitted, by the owner, with the required information
 - e. The notice shall include a copy of this chapter
 - f. The notice shall include a copy of the Residential Rental Housing Property Registration Form to be used in registering the property
 - g. The Notice shall state the right of the Property and/or Dwelling Owner, to file an Appeal if they feel the Notice of Violation or the decision of the Code Enforcement Officer is inconsistent with the terms of this chapter

SECTION 1341.06 APPEALS.

- (A) Any Owner, Business, Entity or Others, that have been served a notice to register a Residential Rental Housing Property, or for any other reason covered by this chapter, shall have the right to submit an appeal to the Marietta Board of Building Appeals if they feel that the notice, other finding, or the decision of the Code Enforcement Officer is inconsistent with the provisions of this chapter.
- (B) Appeals shall be submitted to the Code Enforcement Office on a form provided by the office no later than 10 days after receiving the notice of violation
- (C) There shall be charged and collected at the time application of appeal is made, an Application of Appeal Processing Fee of \$25.00
- (D) An Application of Appeal shall state all of the following:
 - (1) The name, address and telephone number of the applicant or appellant

- (2) The name, address and telephone number of the owner of the property subject to the notice or finding
 - (3) The address and tax parcel number of the subject property
 - (4) A statement of the provisions of this chapter that the applicant feels aggrieved or affected by
 - (5) A statement as to why the applicant feels that this chapter, notice, finding, or decision of the Code Enforcement Officer is not applicable to the subject property and is inconsistent with the provisions of this chapter
- (E) The appeal will be held at a place and time determined by the Marietta Board of Building Appeals, but not later than 30 days after an application of appeal has been filed with the Code Enforcement Office.

SECTION 1341.07 VALIDITY.

Should any section, clause, or paragraph of this chapter be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the chapter as a whole, or any part thereof, other than the part declared invalid.

SECTION 1341.99 PENALTY.

If after notice of violation and any appeals therefrom, the Property and/or Dwelling Owner continues to violate the provisions of this chapter, shall pay a fine of up to \$250.00 to the City of Marietta.