

FIRST READING: 11.13.17
SECOND READING: 11.27.17
THIRD READING: 5.29.18

2ND AMENDED
ORDINANCE NO. 82-17
BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1371.01 ENTITLED "DEFINITION" AND SECTION 1371.02 ENTITLED "RENTAL LICENSE/CERTIFICATE OF OCCUPANCY", AND ADDING SECTION 1371.09 ENTITLED "LIMITED LODGING PROVISIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A" "B" & "C"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 1371.01 entitled Definitions and Section 1371.02 entitled Rental License/Certificate of Occupancy, and add Section 1371.09 entitled Limited Lodging Provisions of our Codified Ordinances regarding definitions of rental unit, boarding house, booking agent, and limited lodging and provisions thereto under Chapter 1371 captioned "Rental License/Certification of Occupancy; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Codified Ordinances Section 1371.01 and Section 1371.02 be amended and Section 1371.09 be added concerning the definition for rental unit, boarding house, booking agent, and limited lodging and provisions thereto, as further described in the attached Exhibits "A", "B" and "C".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1371.01 of the Codified Ordinances of the City of Rocky River entitled "Definition" and Section 1371.02 entitled "Rental License/Certificate of Occupancy" be amended as further described in the attached Exhibit "A" and "B", and that Section 1371.09 of the Codified Ordinances of the City of Rocky River entitled "Limited Lodging Provisions" be added as further described in the attached Exhibit "C".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 29th, 2018


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: May 29th, 2018 APPROVED: May 29th, 2018

ATTEST:


SUSAN G. PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 29th day of May, 2018.


Clerk of Council of the City of Rocky River, Ohio

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2ND AMENDED
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WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Codified Ordinances Section 1371.01 and Section 1371.02 be amended and Section 1371.09 be added concerning the definition for rental unit, boarding house, booking agent, and limited lodging and provisions thereto, as further described in the attached Exhibits "A", "B" and "C".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1371.01 of the Codified Ordinances of the City of Rocky River entitled "Definition" and Section 1371.02 entitled "Rental License/Certificate of Occupancy" be amended as further described in the attached Exhibit "A" and "B", and that Section 1371.09 of the Codified Ordinances of the City of Rocky River entitled "Limited Lodging Provisions" be added as further described in the attached Exhibit "C".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 29th, 2018

James W. Moran
JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: May 29th, 2018 APPROVED: May 29th, 2018

ATTEST:

Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 29th day of May, 2018.

Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF
ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE
NO. 82-17 ADOPTED BY THE COUNCIL OF SAID CITY
ON THE 24th DAY OF May, 20 18 THAT THE
PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND
CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO
PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH
ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND
THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD
IN ORDINANCE RECORD NO. 82-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 24th DAY OF
May, 20 18.

Angela G. Deane
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

the day of _____, 20____,
accordance with the charter of Rocky River, Ohio, and in accordance with
the laws of the State of Ohio, the undersigned Clerk of the Council of the City of Rocky River,
Ohio, do hereby certify that a true and correct copy of the foregoing ordinance was duly made by adding a true copy
of the ordinance to the records of the City of Rocky River, Ohio, and that the same is
of record in the office of the undersigned Clerk of the Council of the City of Rocky River,
Ohio.

1371.01 DEFINITION.

- (a) "Agent" or "Person in Charge" means any individual, person, firm, partnership, corporation or company acting on behalf of the property owner of a residential rental.
- (b) "Building Official" shall mean the Building Commissioner of the City of Rocky River.
- (c) "Rental Unit" shall mean the occupancy of ~~a living~~ **an entire dwelling unit, which does not involve shared accommodations such as a boarding house or rooming house**, by persons who are not the owners of that unit, according to a written or oral lease for the period of thirty (30) continuous days or more, by arrangement of such rental by either the owner of the dwelling unit directly, or through a booking agent. Rental units are permitted in any zoning district within the City. ~~If the unit is one-owned by a corporation or partnership and the occupier is less than fifty percent (50%) owner of the unit, an inspection and Certificate of Occupancy will be required.~~
- (d) "Boarding House" means the accessory use of a dwelling unit not occupied as a single family unit in which a lodger or individual rents bedroom accommodations with or without kitchen or other living common area for a period of time of thirty (30) continuous days or more, when the dwelling unit is not occupied by the owner. A boarding house may also be known as a "rooming house". Boarding House accommodations are not permitted in single and two-family residential districts within the City.
- (e) "Booking Agent" means any person or entity that facilitates reservations or collects payments for limited lodging accommodations on behalf of the property owner or primary resident.
- (f) "Limited Lodging" means the accessory use of all or part of a dwelling unit through a rental for temporary, transient occupancy for dwelling, sleeping or lodging, for a period of time not to exceed twenty-nine (29) continuous days. Limited lodging includes the arrangement of such rental by either the owner of the dwelling unit directly, or through a booking agent, but does not include a guest suite in a multi-family dwelling available for guests of residents of said dwelling. Limited lodging may also be known as a bed and breakfast. Limited lodging accommodations shall not be permitted in any residential zoning district or in any multi-family residential dwelling within the City. Limited lodging is a permitted use in office, business, service manufacturing and mixed-use overlay districts.

(Ord. 2nd Amended No. 82-17; Passed 5.29.18.)

1371.02 RENTAL/~~LIMITED LODGING/BOARDING~~ LICENSE/CERTIFICATE OF OCCUPANCY.

(a) Required. On and after May 29, 2018, no owner, agent, or person in charge of any building or unit thereof shall rent or lease such building or any part thereof for **use as limited lodging, rooming or boarding house, or as rental of residential occupancy**, nor shall a person occupy such building unless the owner thereof holds a **Rental/~~Limited Lodging/Boarding~~ License**/Certificate of Occupancy issued by the Building Official, which certificate has not expired, been revoked or otherwise become null and void.

(b) Issuance.

(1) Application for a **Rental/~~Limited Lodging/Boarding~~ License**/Certificate of Occupancy required by the provisions of this Chapter shall be made by supplying the information and data to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms, supplied by the Building Official. Upon completion of such application, ~~and~~ submission of the required fee, **and property inspection as stated herein in Section (2)**, the Building Official shall issue a **Rental/~~Limited Lodging/Boarding~~ License**.

Upon obtaining a **Rental/~~Limited Lodging/Boarding~~ License**, the owner, agent or person in charge of any building or unit thereof shall comply with the provisions of this Chapter to obtain a Certificate of Occupancy.

(2) The Building Official ~~may~~ **shall** cause a general inspection of the building and premises to be made.

(3) If it is found that a building and premise is in compliance with the provisions of Section ~~1370.05~~ through and including 1370.13 Property Maintenance Code of the Codified Ordinances, and all other laws, ordinances, rules and regulations applicable thereto, the Building Official shall issue a Certificate of Occupancy for such building and the rental units thereon which shall contain the following information:

A. The street address of the building and/or accessory buildings, if any.

B. The name and street address of the owner/agent. Post office boxes may be used in addition to the required street address.

(4) The **Rental/~~Limited Lodging/Boarding~~ License**/Certificate of Occupancy shall be valid for a period of twelve (12) months.

(5) The Building Official shall have the power to revoke a **Rental/~~Limited Lodging/Boarding~~ License**/Certificate of Occupancy if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for the noncompliance of a building or rental unit thereof with the requirements of this Chapter, or the owner, agent or person in charge of a building or rental unit thereof shall refuse to comply with any provision of this Chapter.

(Ord. 143-04. Passed 12-12-04.)(~~2nd~~ **Amended Ord. 82-17. Passed 5.29.18.**)

SECTION 1371.09 – LIMITED LODGING PROVISIONS

Limited lodging accommodations shall not be permitted in any residential zoning district or in any multi-family residential dwelling within the City. Limited lodging is a permitted use in office, business, service manufacturing and multi-use overlay districts, subject to the following provisions:

- (a) Limited lodging must be registered by the property owner who shall receive a Limited Lodging Certificate of Occupancy through the City Building Department;
- (b) The standards set forth in this section are intended to ensure that limited lodging will not be a detriment to the character and livability of the surrounding neighborhood.
- (c) Smoke detectors shall be provided and maintained adjacent to each sleeping area in each dwelling unit as required in this chapter.
- (d) One or more carbon monoxide detection devices shall be installed and maintained as close to the center of the unit and within close proximity to the living and sleeping areas of the unit.
- (g) Lodgers shall be notified of the trash and recycle collection days for the property and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property. The owner shall provide proper trash and recycling containers for the lodgers.
- (h) The owner or booking agent offering the premises for limited lodging shall provide to any lodger the contact information, including a telephone number, of a person with responsibility to take action to resolve any complaints regarding the condition, operation or maintenance of the unit.

(i) Compliance with all other applicable provisions of the Rocky River Codified Ordinances.

(2nd Amended Ord. 82-17; Passed 5.29.18).