

### **Section 1335.09 BUILDING CODE OFFICIAL.**

*(A) Rules and Regulations. The Building Code Official is authorized to make and adopt rules and regulations and fix reasonable standards as may be necessary for the proper enforcement of the provisions of this Chapter and to carry out the intent thereof.*

*(B) Emergency Situation. Whenever the Building Code Official finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order stating the existence of the emergency and requiring that action be taken as he/she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but, on petition to Council shall be afforded a hearing as soon as possible. After the hearing, depending on his/her finding as to whether or not the emergency condition has been abated, Council shall continue the order in effect or modify or revoke it.*

*(C) Failure to Obey Order. In the event that the person to whom the order is directed neglects or refuses to obey the order, the Building Code Official is hereby authorized to abate the emergency situation at the expense of the person in noncompliance with the order, and to collect any costs so incurred as authorized by law.*

### **1335.23 REGISTRATIONS REQUIRED.**

(A) On forms that the Department of Building Development and Planning shall provide, an owner or operator shall register all buildings that the owner owns, or that the operator operates, no later than October 1st of each year, or upon the completion of transfer of title to a premises or structure with a rental unit(s).

(B) On a separate registration form per building, the applicant shall indicate the total number of rental units that the owner owns, or that the operator operates at the address of premises or structure, and information concerning the owner, which shall include:

(1) If the owner is more than one individual or a sole proprietorship, the owner's name(s), address(es), date(s) of birth, social security number(s) and phone number(s); or,

(2) If the owner is a partnership, the name, address, tax identification number and phone number of the partnership, and the name, address, date of birth, social security number and phone number of one of the partners; or,

(3) If the owner is a corporation (C; S-Corp; Non-Profit; LLC), the name, address, tax identification number and phone number of the corporation, the name, address and phone number of the corporation's statutory agent, and the name, address, date of birth, social security number and phone number of one of the officers; or,

(4) If the owner is a trust or association, the name, address and phone number of the trust or association, and the name, address, date of birth, social security number and phone number of one of the trustees.

(5) If the owner of property is not a resident of Hamilton County, the owner must designate a Resident Agent who is a resident of this geographic area to serve as the owner's agent. This agent is responsible to be the City's contact person for the purposes

of scheduling inspections, serving notice, etc.

(C) If the owner of a rental dwelling unit has an operator that is not the owner, then the registration form shall include, in addition to the information required by subsection (b) hereof, additional information concerning the operator, as the Building Code Official shall determine, which shall include:

- (1) If the operator is more than one individual or a sole proprietorship, the operator's name, address, date of birth, social security number and phone number; or,
- (2) If the operator is a partnership, the name, address and phone number of the partnership, and the name, address, date of birth, social security number and phone number of one of the partners; or,
- (3) If the operator is a corporation, the name, address and phone number of the corporation, the name and address of the corporation's statutory agent, and the name, address, date of birth, social security number and phone number of one of the officers; or,
- (4) If the operator is a trust, the name, address and phone number of the trust, and the name, address, date of birth, social security number and phone number of one of the trustees.

(D) Within thirty days of any change of information that is required on a registration form, the owner or operator of a rental dwelling unit shall contact the Department of Building Planning and Development, in writing, to update the information on the registration form. A ten dollar (\$10.00) fee shall be charged for the updating of information on the registration form.

(E) No owner or operator shall fail to register, with the Department of Building Planning and Development, all rental units that the owner owns or that the operator operates.

(F) No owner or operator of a rental dwelling unit shall fail to contact the Department of Building Planning and Development, in writing, within thirty days of any change of information that is required on a registration form, to update the information on the registration form.

(G) A registration fee per owner or operator shall be imposed as follows:

- (1) The owner owns or the operator operates any rental property, fees shall be in accordance with the fee schedules approved by City Council and posted on the city's official web site.
- (2) A registration form shall be valid for one year, unless;
  - (a) False information is furnished to the Building Code Official in the registration form; or
  - (b) A transfer of title to a building or premise has been completed: or,
  - (c) A change of tenants has occurred.

(J) No person, including an operator, owner, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a premises without having in escrow with the escrow agent handling the transfer of title to the premises, a copy of a registration form completed by the purchaser of the premises, or a statement from the purchaser that the premises contains only one dwelling unit, and will be

occupied by the purchaser for one year after the transfer of title. The escrowed document shall be forwarded to the Department of Building Planning and Development upon the transfer of title.  
1335.24 TRANSFER OF REGISTRATION.

A registration may not be transferred to the purchaser of a premise with a rental unit, and shall be void upon the completion of transfer of title to the premises.

#### 1335.25 RENTAL DWELLING UNIT - MANDATORY INSPECTION REQUIRED.

(A) The owner or operator of a premise with a rental unit(s) shall have the interior and exterior of the premises, its structures and its rental unit(s) inspected annually to determine compliance with the Health, Safety and Sanitation Code, Nuisance Code, Housing Code, Property Maintenance Code and Zoning Code, under the following circumstances:

(1) If two or more notices or orders to comply have been issued to the owner or operator pursuant to Section 1335.06 or Section 1335.07 of this Chapter, within any two year period, concerning the same premises, and those notices or orders have not been complied within the time provided in the notices or orders to comply, the premises that was the subject of the notices or orders to comply shall be subject to semi-annual mandatory inspections as specified in this section;

(2) If the owner or operator has been convicted of a violation of this Chapter, all premises and structures with a rental dwelling unit(s) that the owner owns or that the operator operates shall be subject to semi-annual mandatory inspections as specified in this section; and

(3) If the owner or operator has had a premises ordered razed by the Building Code Official, then all premises and structures with a rental dwelling unit that the owner owns or that the operator operates shall be subject to semi-annual mandatory inspections as specified in this section.

(B) A notice or order to comply that is outstanding on or after January 1, 2012, or that is issued subsequent to April 30, 2011 shall be considered a violation of this chapter for purposes of enforcement of the semi-annual mandatory inspections required by subsection (A)(1) hereof.

(C) A conviction that was obtained on or after January 1, 2011 shall constitute a conviction for purposes of enforcement of the semi-annual mandatory inspections required by subsection (A) (2) hereof.

(D) No owner or operator of a premise with a rental dwelling unit(s) shall fail to obtain a rental dwelling unit mandatory inspection from the Department of Building Planning and Development as required by the provisions of this section.

(E) A rental dwelling unit semi-annual mandatory inspection fee, per rental dwelling unit, shall be imposed in accordance with the fee schedules approved by City Council and posted on the city's official web site.

**RESIDENTIAL RENTAL FEE SCHEDULE:**

(A) **Annual Registration** fee per building or premises shall be imposed as follows:

- (1) A fee of \$50.00 for a premise with one or two rental dwelling unit(s);
- (2) A fee of \$100.00 for a premise with three to eight rental dwelling units;
- (3) A fee of \$200.00 for a premise with nine rental dwelling units plus \$15.00 per rental dwelling unit for each additional rental dwelling unit on the premises.

(B) **Semi-Annual Registration** fee per building shall be imposed as follows:

- (1) A fee of \$50.00 for a premise with one or two rental dwelling unit(s);
- (2) A fee of \$100.00 for a premise with three to eight rental dwelling units;
- (3) A fee of \$200.00 for nine rental dwelling units plus \$15.00 per rental dwelling unit for each additional rental dwelling unit on the premises.

(C) A **mandatory re-inspection** fee, per rental dwelling unit, shall be imposed in the amount of \$200.00.

(D) If a registration form is filed late, an **additional late fee** of \$10.00 per building; and,

(E) If the owner or operator becomes the owner or operator of additional rental dwelling units between registration periods, a minimum fee of \$10.00 per rental dwelling unit shall be added.