

VILLAGE OF McDONALD, OHIO

ORDINANCE NO. 3332-25

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 1359 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF McDONALD, OHIO, ENTITLED “RENTAL PROPERTY”, and declaring an emergency.

WHEREAS, Council of the Village of McDonald, Ohio, originally passed Ordinance number 3084-10 on or about November 17, 2010 first enacting the “Rental Property” Ordinance, which Ordinance is currently codified as Chapter 1359 of the McDonald Codified Ordinances;

WHEREAS, certain sections of the Rental Property Ordinance have been amended in past years, and most recently by Ordinance No. 3274-22 on December 7, 2022;

WHEREAS, Building Inspector desires to amend section 1359.04(a) of Chapter 1359 to include deadline of February 15 for rental property owners to schedule the annual rental inspection;

WHEREAS, Council of the Village of McDonald, Ohio, deems it appropriate and prudent to amend Chapter 1359 of the McDonald Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, that:

Section I. Chapter 1359 of the McDonald Codified Ordinances, which presently reads as follows:

CHAPTER 1359
Rental Property

- 1359.01 Definitions.
- 1359.02 Compliance of rental property.
- 1359.03 Certificate of rental property occupancy.
- 1359.04 Inspections.
- 1359.05 Severability.
- 1359.99 Penalty.

1359.01 DEFINITIONS.

(a) "Rental property" means property, premises, dwellings, dwelling units, dwelling structures, or other structures, or any part thereof, used, designed, or intended to be used as a single-family dwelling unit, multiple-family dwelling units, apartments or multi-dwelling unit complexes, which is or are rented or leased or intended to be rented or leased. Property shall be considered rented or leased or intended to be rented or leased if:

(1) Money, rent or other consideration is being paid for occupying the property or any part thereof; or

(2) A person other than the titled owner of the property or his or her immediate family member is occupying the property or any part thereof, whether or not such person is paying money, rent or other consideration.

(b) "Immediate family member" means a spouse, parent, grandparent, child, grandchild, legal ward, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law. If rental property is owned by a corporation, limited liability company, or other entity, then "immediate family member" shall be determined in relation only to a majority owner of the corporation, limited liability company, or other entity.

(c) "Dwelling unit" means any room or group of rooms forming a single habitable unit used or intended to be used, in whole or in part, for living by human occupants.

(d) "Tenant" means a person legally obligated to the owner or person in charge of rental property under a written or verbal rental, lease or occupancy agreement.

(e) "Building Code" means any and all applicable provisions of Part Thirteen (Chapters 1301 through 1359, inclusive) of the Codified Ordinances of McDonald.

(f) "Person in charge" means an operator, manager, agent, person or entity in charge of, or having responsibility for, rental property, other than the owner of the rental property.

1359.02 COMPLIANCE OF RENTAL PROPERTY.

No owner or person in charge of rental property shall rent or lease, or offer for rental or lease, rental property which does not comply with the provisions of this Chapter and the Building Code.

1359.03 CERTIFICATE OF RENTAL PROPERTY OCCUPANCY.

(a) Certificate of Rental Property Occupancy Required. No owner or person in charge of rental property shall rent or lease rental property unless the owner holds a certificate of rental property occupancy issued by the Building Inspector, which certificate has not expired, been revoked or otherwise becomes null and void.

(b) Certificate Issuance, Contents, Term and Revocation.

(1) The owner of rental property shall apply for a certificate of rental property occupancy annually by supplying information requested by the Village on the application form provided by the Village. The information shall include but not be limited to:

A. The name, address and telephone number of each owner and, if applicable, each person in charge of the rental property;

- B. If the owner is a corporation, limited liability company, partnership or other entity, the name, address and telephone number of each shareholder, member, partner or other owner;
- C. If the owner is not a resident of Ohio or is a foreign corporation, limited liability company, partnership or other entity, the owner shall designate a person in charge who is an Ohio resident or which is an entity formed under the laws of Ohio;
- D. The address of the rental property and the number of dwelling units contained on the rental property; and
- E. The name and telephone number of each tenant and occupant residing in each dwelling unit on the rental property.

A post office box may not be provided as the sole address. An application shall be considered complete only when all information required on the application form is accurately, legibly and fully completed and any fee(s) due pursuant to section (e), below, are paid.

(2) If rental property is determined to comply with the provisions of this Chapter, the Building Code, and all other applicable laws, ordinances, rules and regulations, the Building Inspector shall issue a certificate of rental property occupancy for the rental property. The certificate shall contain the street address or other identifying characteristics of the rental property; the name and address of each owner and, if applicable, the person in charge; the number of dwelling units on the rental property; and the time period for which the certificate is issued. A certificate of rental property occupancy shall be valid until December 31 of each year.

(3) The Building Inspector shall have the power to revoke a certificate of rental property occupancy if any false or misleading statement or information is provided on the application; for noncompliance of rental property with the requirements of the Building Code; if the owner or person in charge of the rental property fails, refuses, or does not comply with any applicable provision of this Chapter; or for any other violation of this Chapter.

(c) Failure to Apply for Certificate; Renewals. The owner of rental property shall annually apply for a certificate of rental property occupancy on or before January 31 of each year. If property which was not previously rental property becomes available as rental property during the year, the owner shall promptly apply for a certificate of rental property occupancy, but the property shall not be rented or leased until a certificate of rental property occupancy is issued.

(d) Availability of Certificate. The owner or person in charge of rental property shall have the certificate of rental property occupancy available at the property or otherwise readily available for exhibition to the Building Inspector or other Village agent upon request.

(e) Fees.

(1) An application for a certificate of rental property occupancy shall be accompanied by a fee of one hundred dollars (\$100.00) for the first dwelling unit on the rental property, plus ten dollars (\$10.00) for each additional dwelling unit, subject to a maximum fee of two hundred dollars (\$200.00) for any one rental property regardless of the number of dwelling units.

(2) An application received after January 31 shall incur a late fee of one hundred dollars (\$100.00) per month for each month or portion thereof that the application and/or fee is delinquent.

(3) All fees for certificates of rental property occupancy are nonrefundable.

(4) If the Building Inspector inspects a dwelling unit on the rental property more than once in a calendar year due to a dwelling unit not passing an inspection or otherwise, a fee of fifty dollars (\$50.00) shall be charged for the second inspection and a fee of one hundred dollars (\$100.00) shall be charged for each subsequent inspection.

(5) The Building Inspector, in his reasonable discretion based on the facts and circumstances, may waive all or part of a fee required by this Chapter.

(f) Changes; New Certificate of Rental Property Occupancy.

(1) If there is a change in the person in charge of rental property from that shown on the certificate of rental property occupancy, the owner shall notify the Building Inspector in writing within fourteen (14) days of such change, and provide the name and address of the new person in charge.

(2) If there is a change in ownership of rental property, the certificate of rental property occupancy shall become null and void on the date of such change of ownership. The new owner must apply for a new certificate of rental property occupancy within fourteen (14) days after the change of ownership. The new certificate obtained under this subsection shall expire on the same date as that of the certificate which it replaces.

(3) If there is a change in any tenants of the rental property, the owner or person in charge of the rental property shall notify the Village in writing of the change in tenancy within fourteen (14) days of the change and provide the name and telephone number of each new tenant or occupant. If the owner or person in charge fails to do so, the certificate of rental property occupancy shall become null and void and a new certificate of rental property occupancy must be obtained. The new certificate obtained under this subsection shall expire on the same date as that of the certificate which it replaces.

1359.04 INSPECTIONS.

(a) The Building Inspector shall endeavor to conduct an interior and exterior inspection of all rental properties at least once every year and as otherwise required by this Chapter or determined to be necessary by the Building Inspector. It is obligation of the owner or person in charge to contact the Village to schedule the inspection each year. If the owner or person in charge fails to contact the Village to schedule the inspection; consent to an inspection of the rental property is refused by the owner, person in charge, tenant or occupant; or if consent is otherwise unobtainable, the Building Inspector shall not conduct an inspection without first obtaining, if needed, an administrative search warrant in accordance with the provisions in section (c), below.

(b) If a scheduled inspection is cancelled by an owner, person in charge, tenant or occupant with less than twenty-four (24) hours' notice to the Building Inspector, a cancellation fee of fifty dollars (\$50.00) shall be paid before the inspection is rescheduled.

(c) If the owner or person in charge fails to contact the Building Inspector; consent to an inspection of the rental property is refused by the owner, person in charge, tenant or occupant; or if consent is otherwise unobtainable, the Building Inspector may appear before the Judge of the Niles Municipal Court or other Court and seek an administrative search warrant to permit an inspection. The warrant application shall specify the basis upon which the warrant is sought and include a statement that the inspection shall be limited to a determination whether there are violations of this Chapter and the Building Code. The Court may consider any of the following factors, along with such other matters as it deems relevant, when considering the issuance of a warrant: eyewitness accounts of violation; resident complaints; tenant complaints; plain view violations; violations apparent from Village records; property deterioration; age of property; nature of alleged violation; condition of similar properties in the area; passage of time since last inspection; and previous violations of the property.

(d) If a warrant is issued, no owner, person in charge, tenant or occupant shall fail, upon presentation of the warrant, to permit entry therein by the Building Inspector and other Village agent for the purpose of conducting a rental inspection pursuant to this Chapter consistent with the terms of the warrant. If the Court declines to issue a warrant or if no warrant is sought, the rental inspection shall not take place and no certificate of rental occupancy shall be issued. No criminal penalty or fine under this Chapter shall be based solely upon the refusal to consent to an inspection.

1359.05 SEVERABILITY.

Nothing in this Chapter is intended to eliminate compliance with Ohio Revised Code chapter 5323.

1359.99 PENALTY.

(a) Whoever violates or fails to comply with any provisions of this Chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or jailed for not more than one hundred eighty days, or both, for each offense. A separate offense is committed for each and every separate violation of this Chapter.

(b) Where the violator of this Chapter is other than a natural person, division (a) of this section shall also apply to an agent, officer, member, shareholder, or partner who alone, or in conjunction with others, have charge, care or control of the rental property.

(c) The imposition of any penalty shall not preclude the Solicitor of the Village from instituting any action or proceeding in a court of proper jurisdiction concerning a violation of this Chapter; to restrain, correct, or abate a violation; to prevent the occupancy of a rental property; or to require compliance with the provisions of this Chapter or other applicable laws, ordinances rules or regulations or with orders or determinations of the Building Inspector.

Be and the same is hereby amended to read as follows:

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- E. If the owner is a corporation, limited liability company, partnership or other entity, the name, address and telephone number of each shareholder, member, partner or other owner;
- F. If the owner is not a resident of Ohio or is a foreign corporation, limited liability company, partnership or other entity, the owner shall designate a person in charge who is an Ohio resident or which is an entity formed under the laws of Ohio;
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(e) Where the violator of this Chapter is other than a natural person, division (a) of this section shall also apply to an agent, officer, member, shareholder, or partner who alone, or in conjunction with others, have charge, care or control of the rental property.

(f) The imposition of any penalty shall not preclude the Solicitor of the Village from instituting any action or proceeding in a court of proper jurisdiction concerning a violation of this Chapter; to restrain, correct, or abate a violation; to prevent the occupancy of a rental property; or to require compliance with the provisions of this Chapter or other applicable laws, ordinances rules or regulations or with orders or determinations of the Building Inspector.

Section II. Existing Chapter 1359 of the Codified Ordinances of the Village of McDonald, Ohio is hereby repealed.

Section III. Any and all other Ordinances, including Ordinance No. 3274-22, Resolutions, sections, or parts thereof inconsistent or in conflict with the terms of this Ordinance are hereby repealed.

Section IV. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section V. To preserve the public peace, health, welfare and safety, and for the specific reason of assuring the Amending Ordinance takes effect in time to provide notice to the owners for the 2026 calendar year and to enact the amendments for the calendar year of 2026, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in full legal force and effect from and after the earliest period allowed by law

Passed in Council this 18th day of December, 2025.

Mayor

Attest to:

Fiscal Officer