

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30050

Ordinance No. 3673 Page 1 of 2

Passed AUGUST 11, 2020

AN ORDINANCE REPEALING CHAPTER 158 OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON KNOWN AS THE "PROPERTY MAINTENANCE CODE", AND ADOPTING A NEW CHAPTER 158: PROPERTY MAINTENANCE CODE CONTAINING AMENDMENTS BASED ON THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND ADOPTING AN AMENDMENT TO CHAPTER 37: GENERAL FEE SCHEDULE REGARDING RENTAL REGISTRATION LATE FEES.

WHEREAS, Chapter 158 of the Code of Ordinances of the City of West Carrollton known as the "Property Maintenance Code" was last updated by Ordinance 3545 on March 11, 2014 and by Ordinance 3421 on May 26, 2009; and

WHEREAS, the current Chapter 158: Property Maintenance Code is based on the 2009 International Property Maintenance Code; and

WHEREAS, an application has been filed by the City of West Carrollton proposing adoption of a new Chapter 158: Property Maintenance Code based on the 2018 International Property Maintenance Code, and is tailored to meet the needs of the City as reflected in Exhibit A; and

WHEREAS, the proposed amendments establish updated minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement standards, and this new code is fully compatible and compliant with all State of Ohio model building, electrical, HVAC, plumbing and fire codes; and

WHEREAS, the fee for failing to register a rental property under the "Residential Rental Registration & Education Program" as contained in the Property Maintenance Code has been found to be an insufficient deterrent whereby several landlords continue to refuse to register, and as such an amendment is proposed to Chapter 37: General Fee Schedule to institute a new late fee structure as reflected in Exhibit B; and

WHEREAS, Section 158.12 of the Property Maintenance Code authorizes the Board of Zoning Appeals (BZA) to "execute the purpose of" the Property Maintenance Code, and it has been staff's interpretation that any amendment to the Property Maintenance Code should first be reviewed by the Board of Zoning Appeals and a recommendation made to City Council regarding its adoption; and

WHEREAS, on July 9, 2020, the Board of Zoning Appeals reviewed the proposed update, at which time all people who wished to testify gave their comments, and the Board of Zoning Appeals unanimously recommends approval of the proposed amendments; and

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WHEREAS, this ordinance was considered by the West Carrollton City Council at an open public meeting on July 28, 2020; and

WHEREAS, the City of West Carrollton has determined that adoption of the proposed new Chapter 158: Property Maintenance Code and amendments to Chapter 37: General Fee Schedule is in the best interest of the citizens of West Carrollton to preserve and enhance property values and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION I. That existing Chapter 158 of the Code of Ordinances of the City of West Carrollton known as the "Property Maintenance Code" be and hereby is repealed and replaced with a new Chapter 158: Property Maintenance Code as reflected in Exhibit A.

SECTION II. That amendments to Chapter 37: General Fee Schedule regarding rental registration late fees be and hereby are adopted as reflected in Exhibit B.

SECTION III. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV. That this Ordinance shall take effect from and after the earliest period allowed by law.

PASSED by the Council of the City of West Carrollton, State of Ohio, this 11th day of AUGUST, 2020.

Attest:

Tom Rully
Clerk of Council

[Signature]
Mayor

Effective Date: SEPTEMBER 11, 2020

CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the Ordinance to be a true and correct copy of Ordinance No. _____, adopted on the _____, day of _____, 2020.

Clerk of Council

Dated: _____