

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. C-6-10-1

AN ORDINANCE ESTABLISHING LICENSING REQUIREMENTS FOR NON-CONFORMING MULTI-FAMILY DWELLING UNITS LOCATED IN SINGLE-FAMILY ZONING DISTRICTS.

WHEREAS, the Council of the Village of New Concord, Ohio has determined that Non-Conforming Multi-Family Dwelling Units located in Single-Family Zoning Districts require expense to the Village of New Concord in excess of other dwellings in the Village; and,

WHEREAS, the Council of the Village of New Concord, Ohio Village Council has determined it is necessary to maintain an official record of the locations, owners, and occupants of Non-Conforming Multi-Family Dwelling Units located in Single-Family Zoning Districts in order to protect the health, safety and welfare of the Village of New Concord residents; and

WHEREAS, the Council of the Village of New Concord, Ohio has determined that it is necessary to establish an annual license requirement for Non-Conforming Multi-Family Dwelling Units in Single-Family Zoning District, and

NOW, THEREFORE, be it ordered by the Council of the Village of New Concord, Ohio that:

Section 1. The following law shall be adopted as Section 522 of the General Offenses Code of the Village of New Concord and shall be effective and in full force at the earliest period allowed by law.

Section 522

Non-Conforming Multi-Family Residential Unit License

522.01 NON-CONFORMING RESIDENTIAL PROPERTY DEFINITION.

Any dwelling unit located in a Zoning District in an R1 or R2 Single Family Zoning District which has been occupied and used continuously as a multi-family use (more than two individuals not related to each other by blood, marriage, adoption or foster parent's contract) since October 8, 2001. Any dwelling unit in which the use as a multi-family dwelling ceased for a period of one year or more after October 8, 2001 shall not be a legal Non-Conforming Residential property.

522.02 LICENSE REQUIRED.

(a.) License required. No person shall permit the use of a Multi-Family Non-Conforming Residential Unit unless he holds a valid license issued by the Village. The owner or operator shall apply to the Village for such license which shall not be issued until the legal use and the non-conforming status is verified.

(b.) The license shall not be transferable. When ownership of a Multi-Family Non-Conforming Residential Unit is transferred, the new owner shall be required to purchase a new license.

(c.) Location Restricted. A license shall be required for any Non-Conforming Multi-Family Dwelling Units located in the R1 and R2 Single Family zoning districts.

522.03**CHANGE OF OWNERSHIP; EXPIRATION OF LICENSE.**

Every person holding a license shall give notice in writing to the Zoning Inspector or Administrator within five days after having sold transferred, given away or otherwise disposed of ownership or control of such property. Every license shall expire on September 1st of each year unless suspended or revoked earlier as hereinafter provided. An annual inspection and renewal is required. Renewal of licenses may be approved by the Zoning Inspector or designee upon receipt of proof that the unit was occupied as a Non-Conforming Multi-Family Dwelling Unit for a period within the previous twelve months.

522.04 LICENSE FEES.

The initial fee for a license, as well as the renewal fee, shall be such amount as provided by ordinance. If, upon review of the application, it is found that the property does not meet the requirements of the chapter, the owner or operator shall be informed in writing of the deficiencies in the application.

The annual license fee is the obligation of the property owner and shall be \$50 for each sleeping room or sleeping area of each Non-Conforming Multi-Family Dwelling Unit.

522.05**ISSUANCE AND DENIAL OF LICENSES; HEARINGS.**

(a.) Any person whose application for a license renewal has been denied by the Village for reasons set forth in this chapter may request and shall be granted a hearing on the matter before the Board of Zoning Appeals and in the same manner as an appeal for violation as set forth in subsection (b) hereof.

(b.) Any person whose license has been denied may request and shall be granted a hearing on the matter before the Board of Zoning Appeals. If no petition for such hearing is filed within ten (10) days following the day on which such license was denied, the license shall be deemed to have been permanently denied.

522.06**HEALTH, SAFETY AND SANITATION.**

All Multi-Family Non-Conforming Residential Unit properties shall be maintained in a clean, safe, sanitary condition, free of any trash or rubbish. The property owner shall be responsible for maintaining proper garbage cans or dumpsters and shall be responsible for garbage pickup and disposal.

522.07**MAINTENANCE; RESPONSIBILITY OF OPERATOR.**

The owner and operator of every Non-Conforming Multi-Family Dwelling Units property shall be responsible for the sanitary maintenance of the entire premises.

522.08**APPLICATION AND PROOF OF NON-CONFORMING USE**

Applicants for a Multi-Family Non-Conforming Residential Unit License shall provide all information required by the Zoning Inspector or Designee including; evidence to verify the past and present non-conforming status of their property, including names and relationships of all occupants and all necessary contact information. Failure to provide required information may result in the application being denied.

522.09**FALSIFICATION**

Any person who falsifies any information contained in the application as required herein shall be guilty of violating this ordinance and shall be subject to the penalties as prescribed herein.

522.10**PURPOSE**

This registration is required to clearly establish properties which are and are not currently conforming so that any change in Non-Conforming status can be on the record and adequate Village resources may be allocated to serve said properties. Any unit that is not licensed from the effective period of this ordinance shall not be considered a Non-Conforming Multi-Family Dwelling Unit located in a Single Family Zoning District and said use shall not be permitted.

522.11 LICENSE FEE REDUCTION

Property owners subject to the provisions of this ordinance may apply for a 50% discount off the annual license fee required by section 522.04. The discount shall be granted under the following conditions:

I. During the previous license period, no written notices were issued on said property by Village officials for violations of:

- | | |
|-----------------------------|---------------------------------|
| 1. Ordinance No. C-11-99-1- | High grass/noxious weeds |
| 2. Ordinance No. C-7-92-1- | Trash and rubbish |
| 3. Ordinance No. C-12-09-1 | Inappropriate furniture outside |
| 4. Ordinance No. C-11-03-1 | Trash containers on the street |

II. During the previous license period no person residing at or visiting the property was found guilty of any of the following Sections of the General Offenses Code:

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|-------------------|--|
| 1. Section 351.03 | Prohibited parking |
| 2. Chapter 509 | Disorderly conduct and peace disturbance |
| 3. Chapter 513 | Drug abuse control |
| 4. Chapter 521 | Health safety and sanitization |
| 5. Chapter 525 | Law enforcement and public office |
| 6. Chapter 529 | Liquor control |
| 7. Chapter 533 | Obscenity and sex offenses |
| 8. Chapter 537 | Offenses against persons |
| 9. Chapter 541 | Property offenses |

522.99

PENALTY

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor. Each day of violation shall constitute a separate offense.

PASSED:

al Chaffee
Al Chaffee, President of Council

APPROVED:

R. Gregory Adams
R. Gregory Adams, Mayor

ATTEST:

Sue Wilson
Sue Wilson, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

Sue Wilson
Sue Wilson, Fiscal Officer