

**Note: The following changes do not affect title transfers or rentals prior to February 20<sup>th</sup>, 2019.**

**NEW LEGISLATION FOR OCCUPANCY: Title Transfer**

On February 20, 2019 Bratenahl Village Council approved legislation amending the Bratenahl Building Code that affects Occupancy and Inspection. Copies of the Ordinances will be posted on the Village website [www.bratenahl.org](http://www.bratenahl.org)

**1319.01 OCCUPANCY PERMIT REQUIRED.**

*No person shall move into or commence occupation of any one or two-family dwelling or multiple dwelling unit, unless an occupancy permit shall first have been obtained from the Commissioner of Buildings of the Municipality.*

A seller shall apply for a Certificate of Occupancy and Use by submitting the Application for Certificate of Occupancy/Use Permit, accompanied by a \$50 nonrefundable fee, to the Building Department.

- The seller will have the option to request an inspection prior to the sale of the house. While the inspection is voluntary, it is recommended for the safety and welfare of the housing stock and our residents.
- The seller will have an option to request a Certificate of Occupancy and Use Permit without an inspection.

There may be situations where the Commissioner of Buildings may have cause to seek an administrative search warrant to allow an inspection, even though one has been declined (**Ord. 1319.03 INSPECTION, RIGHT OF ENTRY AND WARRANTS PRIOR TO ISSUANCE**).

Any such application shall be made within fifteen (15) calendar days after the non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this Code. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- A. eyewitness account of violation;
- B. citizen complaints;
- C. tenant complaints;
- D. plain view violations;
- E. violations apparent from village records;
- F. property deterioration;
- G. age of property;
- H. nature of alleged violation;
- I. condition of similar properties in the area;
- J. documented violations on similar properties in the area;
- K. passage of time since last inspection; and
- L. previous violations on the property.

## **NEW LEGISLATION FOR OCCUPANCY: Rental Dwellings**

On February 20, 2019 Council approved legislation enacting and adding section 1319.035 "RENTAL DWELLING UNIT INSPECTION PRIOR TO ISSUANCE" to Chapter 1319 of the Building Code.

### **1319.035 RENTAL DWELLING UNIT INSPECTION PRIOR TO ISSUANCE**

Within fifteen (15) days of the receipt of an application for an occupancy permit covering a rental dwelling unit, the Commissioner of Buildings shall cause to be made an inspection of the premises covered therein. Such inspection shall be made for the purpose of determining compliance or noncompliance with the provisions of the Building Code and the Zoning Code of this Municipality, and other ordinances and regulations of the Municipality applicable to the construction, alteration, maintenance or operation of dwelling structures. The applicant shall cooperate with the Commissioner and his inspectors in arranging for entry into the dwelling structure for the purpose of making such inspection. No change of occupancy shall take place during the required fifteen (15)-day notification period.

Prior to the rental of any property or change in occupancy of said property **going forward**, the homeowner shall apply for a Rental Certificate of Occupancy and Use Permit by submitting an **Application for Certificate of Occupancy and Use Permit** to the Building Department with a non-refundable fee of \$50.00 and schedule an inspection. Any corrections shall be completed and re-inspected within 30 days (completion dates will be adjusted as needed for seasonal items). **The Rental Certificate of Occupancy and Use** is valid for five (5) yrs.

\*The rental dwelling unit inspection does not apply to Association owned units used as guest suites at Bratenahl Place #1.

The Universal Application for Certificate of Occupancy/Use Permit is included with this mailing and will be available on the Village website or by calling the Building Department 216-681-3706.

Please feel free to contact the Building Department or Mayor Licastro with any questions.

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