

## Chapter 855 - ROOMING HOUSES

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### **Sec. 855-1. - Definitions.**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, without limiting the generalities of the words, unless a different meaning is clearly indicated by the context.

(C.O. 740-1; renumbered to C.M.C. 855-1, eff. Jan. 1, 1972)

### **Sec. 855-1-D. - Dwelling.**

"Dwelling" shall mean a building occupied as a place of abode by one or more persons.

(C.O. 740-1; renumbered to C.M.C. 855-1-D, eff. Jan. 1, 1972)

### **Sec. 855-1-D1. - Director.**

"Director" shall include the director of buildings and inspections and authorized employees appointed to perform specific duties of the department.

(C.O. 740-1; renumbered to C.M.C. 855-1-C, eff. Jan. 1, 1972; renumbered to C.M.C. 855-1-D1, eff. Sept. 6, 1979)

### **Sec. 855-1-H. - Hotel.**

"Hotel" shall mean any dwelling licensed as such by the state fire marshal and kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations

are offered for pay to transient guests, in which six or more rooms are used for the accommodations of such guests, and having one or more dining rooms directly accessible from within the building.

(C.O. 740-1; renumbered to C.M.C. 855-1-H, eff. Jan. 1, 1972)

**Sec. 855-1-P. - Person.**

"Person" shall mean individual persons, firms or corporations, their agents, trustees, heirs or assigns.

(C.O. 740-1; renumbered to C.M.C. 855-1-P, eff. Jan. 1, 1972)

**Sec. 855-1-R. - Roomer.**

"Roomer" shall mean any person who is not a member of the family of, nor related by blood, marriage, or legal adoption to the operator of a rooming house, to whom space is provided for sleeping or boarding purposes for pay.

(C.O. 740-1; renumbered to C.M.C. 855-1-R, eff. Jan. 1, 1972)

**Sec. 855-1-R1. - Rooming House.**

"Rooming house" shall mean a dwelling occupied by three or more roomers or in which three or more rooms are kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay; provided that "hotels" as herein defined, "dwelling units" as defined in Title XI of this code and any dwelling in which one or two rooms within individual dwelling-units are let out by the occupants of the units shall not be construed to be rooming houses for purposes of this chapter.

(C.O. 740-1; renumbered to C.M.C. 855-1-R1, eff. Jan. 1, 1972)

**Sec. 855-3. - License Required.**

No person shall operate or permit to be operated a rooming house without having a license or a temporary certificate to do so as hereinafter provided.

(C.O. 740-3; renumbered to C.M.C. 855-3, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-5. - Application for License.**

Within 60 days after the effective date of this ordinance, the operator of every existing rooming house shall apply for, as hereinafter provided, a rooming house license issued by the city treasurer in the name of the operator and for the specific dwelling within which the rooming house is contained.

The city treasurer shall furnish duplicate application forms on which the operator shall indicate:

- (a) The address of the building in which the rooming house is operated;
- (b) The name and address of the owner of the building;
- (c) The name and address of the operator of the rooming house;
- (d) A statement as to whether or not the operator has ever been convicted of a crime involving

moral turpitude;

- (e) The type of occupancy of the rooming house (all one sex or mixed);
- (f) The number of rooms to be let out for sleeping purposes;
- (g) The number and location of the toilets, lavatories and baths;
- (h) Such other information as may be necessary to determine that the use and occupancy of the building is permitted by law.

The city treasurer shall forthwith issue a no-charge temporary certificate stating that a license has been applied for and that such license shall be issued or denied within 90 days or less after the date of the inspection by the director of buildings and inspections.

A copy of all applications shall be sent to the director who shall make an inspection of the building as soon as feasible to determine whether or not it is in substantial compliance with Title XI of this code and in a safe and sanitary condition. He shall thereupon either notify the operator of the rooming house that the application has been approved and that the license shall be obtained from the city treasurer within 30 days or the use discontinued, or notify the operator that the rooming house is not in compliance with the law and in what respects, and order it to be brought into compliance within 90 days from the date of the original inspection and a license secured, or to cease operations.

Every new rooming house must obtain a license before beginning operation. Application shall be made to the city treasurer as above provided and acted upon within 30 days of the date of filing.

(C.O. 740-5; renumbered to C.M.C. 855-5, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 855-99.

#### **Sec. 855-7. - Renewal of License.**

All licenses shall be issued annually after inspection and approval by the director; provided, however, that the first license shall expire on the last day of the 12th month after the issuance.

(C.O. 740-7; renumbered to C.M.C. 855-7, eff. Jan. 1, 1972)

#### **Sec. 855-9. - License Fees.**

The annual license fee shall be \$75.00 plus the sum of \$15.00 for each room to be let out; provided, however, that the maximum fee per license shall not exceed \$250.00.

Failure to renew a license within 15 days after the date of expiration, for a rooming house in actual operation, shall result in the above fees being doubled.

(C.O. 740-9; a. Ord. No. 418-1958, eff. Dec. 1958; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Aug. 1, 1969; renumbered to C.M.C. 855-9, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; Emer. Ord. 463-2010, § 45, eff. Dec. 30, 2010)

#### **Sec. 855-11. - Revocation of License.**

A rooming house license shall be revoked or denied by the city treasurer upon certification by the director of buildings and inspection, the commissioner of health, the fire chief or the chief of police of

any of the following conditions:

- (a) Failure to comply with any lawful order to correct violations of laws, rules or regulations of the city of Cincinnati or the laws of Ohio concerning safety, health, morals or general welfare of the occupants of the rooming house, or the public in general, within 60 days or within the time stated in the notice when the condition to be remedied is so hazardous as to require immediate attention;
- (b) Conviction of the operator of any illegal or immoral use of the building, or any crime involving moral turpitude;
- (c) The presence of cooking facilities in any designated sleeping room or in any room not legally constituted as a dwelling unit;
- (d) The use in common of kitchen facilities by more than one family;
- (e) Continued or repeated instances of insanitation, or disregard of fire safety regulations, or inadequate maintenance of the building and/or of its parts or equipment.

(C.O. 740-11; renumbered to C.M.C. 855-11, eff. Jan. 1, 1972)

**Sec. 855-13. - Transference of License.**

No such license shall be transferable. Any person taking over the operation of a licensed rooming house shall apply for a new license within 10 days of taking over the operation, or be considered delinquent and charged the double fee. No refunds shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise dispose of a rooming house to another person.

(C.O. 740-13; renumbered to C.M.C. 855-13, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-15. - Appeal from Denial or Revocation of License.**

Any person aggrieved by the denial or revocation of a license in matters relating to violations of Title XI of this code may request a hearing before a board of review composed of the city solicitor, director of safety and health commissioner. The board of review shall make its determination within 20 days from the date of hearing of the appeal.

Notice of intention to appeal shall be filed at the office of the city treasurer within 10 days after receipt of the notice of denial or revocation of a license.

(C.O. 740-15; renumbered to C.M.C. 855-15, eff. Jan. 1, 1972)

**Sec. 855-17. - Guest Register Required.**

A guest register shall be maintained at all times and the operator shall require each person to whom a room is let for occupancy to sign both name and address in the register prior to renting or occupying the same. In the case of husband and wife, one person may sign for both. A parent or guardian may sign for children in their care.

The operator in charge at the time of signing shall note opposite the name of each guest the room number or numbers of the room or rooms assigned for occupancy and the time and date of beginning such occupancy. When a guest relinquishes occupancy, the operator in charge shall note in the register

the time and date of leaving. All entries shall be in ink and shall not be in any manner, erased, obliterated or defaced.

The guest register shall be available for inspection for six months following the date of entry in the register.

(C.O. 740-17; renumbered to C.M.C. 855-19, eff. Jan. 1, 1972; a. Ord. No. 427-1973, eff. Oct. 19, 1973)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-19. - Use of Premises Restricted.**

No person having authority or responsibility over the use of the premises of a rooming house shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.

Whoever violates this section is guilty of procuring, a misdemeanor of the first degree.

(C.O. 740-19; renumbered to C.M.C. 855-19, eff. Jan. 1, 1972; a. Ord. No. 256-1976, eff. July 9, 1976)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-21. - Register to be Open for Inspection by City Officers.**

The guest register shall at all times be open for inspection by members of the police force, the fire force, the department of health or the Department of Buildings and Inspections.

(C.O. 740-21; renumbered to C.M.C. 855-21, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-23. - Copy of License to be Posted.**

The operator shall at all times keep the license posted in a conspicuous place in every rooming house. Altering, tampering, or removing the license is prohibited.

(C.O. 740-23; renumbered to C.M.C. 855-23, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 855-99.

**Sec. 855-99. - Penalties.**

Whoever violates any provision of this chapter for which no other specific penalty has been provided shall be fined not more than \$500. Each day's continuance shall constitute a separate offense.

(C.O. 740-25; renumbered to C.M.C. 855-99, eff. Jan. 1, 1972; a. Ord. No. 256-1976; eff. July 9, 1976)