

ARTICLE VIII. RESIDENTIAL RENTAL PROPERTY

Sec. 4-175. Purpose:

The purpose of this article is to provide for the licensing and inspection of residential rental property so as to protect the health, safety and welfare of the people of the City including:

- (1) To protect the public health and safety by ensuring rental units comply with minimum housing standards as established by City ordinances.
- (2) To protect the character and stability of residential areas.
- (3) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying dwellings.
- (4) To facilitate the enforcement of minimum standards for the maintenance of existing residential rental property and thus to prevent slums and blight.
- (5) To preserve the value of land and buildings throughout the City. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-176. Definitions:

Approved: Approved by the Code official.

Bed And Breakfast Inn: A single-family dwelling or portion thereof where rooms without cooking facilities for the occupancy of temporary guests are provided at a daily rate of compensation for a maximum of seven (7) consecutive days, and where meals are provided for compensation in contradistinction to a "hotel", a "motel", a "dormitory" or a "rooming house" which are separately defined within this article.

Code Official: The official who is charged with the administration and enforcement of this article or any duly authorized representative.

Compliance Inspection: An inspection subsequent to the identification of a Code violation the primary purpose of which is to determine whether the violation has been corrected.

Dormitory: A building used as a group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect as such educational facility which are enforced by resident personnel at such institution.

Dwelling: A building, or portion thereof, used exclusively for human habitation.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Hotel: A building in which lodging with accompanying bathrooms is provided and offered to temporary guests for compensation and in which ingress and egress to all rooms is provided through an interior lobby or office supervised by a person in charge at all hours. Maid service, linen laundering, telephone and secretarial or desk service are also provided for lodgers in contradistinction to a "motel", a "rooming house", a "dormitory" or a "bed and breakfast inn" which are separately defined in this article.

Immediate Family: Spouse or direct lineal relative which shall include great grandparents, parents, children and grandchildren but which excludes cousins, aunts, and uncles.

Initial Inspection: An interior and exterior inspection performed subsequent to the submission of a residential rental property license application.

Motel: A building or group of buildings in which lodging rooms with accompanying bathrooms are provided and offered primarily to temporary guests for compensation in contradistinction to a "hotel", a "rooming house", a "dormitory" or a "bed and breakfast inn" which are separately defined within this article. A motel also furnishes services such as maid service and linen laundering and provides secretarial and desk service.

Occupancy: The purpose for which a building or portion thereof is utilized.

Occupant: Any tenant living or sleeping in a building, or having possession of a space within a building.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person if ordered to take possession of real property.

Person: An individual, corporation, partnership or any other group acting as a unit.

Premises: A lot, plot or parcel of land, easement or public way, including any structures.

Property Agent: A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the Code official to manage a residential rental property including the authority to receive notices or citations.

Renewal Inspection: An inspection performed on a property which has been previously licensed as a residential rental property.

Residential Rental Property: Dwellings, dwelling units, rooming houses and rooming units let or intended to be let for rent or lease.

Residential Rental Property License: A license issued authorizing the occupancy of dwellings, dwelling units, rooming houses, and rooming units let or intended to be let for rent or lease.

Rooming House: A building containing rooming units in which meals may or may not be served in contradistinction to a "hotel", a "motel", a "dormitory" or a "bed and breakfast inn" which are separately defined within this article.

Rooming Unit: A room rented or leased as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping facilities shall be counted as one rooming unit for purposes of this article.

Structure: That which is built or constructed or a portion thereof.

Temporary License: A license issued subsequent to the submission of an application for a residential rental property but prior to an initial inspection.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. (Ord. 95-2004, 10-4-2004; Ord. 057-2005, 7-11-2005; Ord. 050-2017, 12-11-2017)

Sec. 4-177. License Required:

It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer for rent within the City a residential rental property whether vacant or not without first obtaining a license as provided in this article.

It is unlawful for any owner or property agent to allow anyone to occupy a residential rental property, which is not licensed as provided in this article.

It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or occupy any vacant dwelling unit or any dwelling unit that becomes vacant in a residential rental property for which a license is under suspension.

This article shall not apply to the following structures:

- (1) Single-family owner occupied dwellings.
- (2) Single-family dwellings occupied by a member of the owner's immediate family.
- (3) Single-family dwellings which are vacant but not intended to be let for rent.
- (4) Townhouse and condominium owner occupied dwellings.
- (5) Hotels, motels and bed and breakfast inns.
- (6) Dwellings, buildings, structures and uses licensed and inspected by the State or Federal government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.
- (7) Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.
- (8) Dormitories.

A license for a residential rental property cannot be transferred to another residential rental property. Further, it shall be unlawful for the owner of a residential rental property who has received a compliance order upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such residential rental property until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code official and shall furnish to the Code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such order or notice of violation. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-178. License Application:

Each applicant for a license or renewal license to maintain a residential rental property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit shall file a written application with the Code official stating:

- (1) The full legal name, address, and home, work, cellular and facsimile telephone numbers and the electronic mailing address of each and every owner of the residential rental property.
- (2) The full legal name, address and home, work, cellular and facsimile telephone numbers and the electronic mailing address of the building manager or property agent.
- (3) The full legal name, address and home, work, cellular and facsimile telephone numbers and electronic mailing address of any buyer on a contract for deed.
- (4) The address of the residential rental property for which the application for license is requested.
- (5) In the case of a residential rental property owner who is not a resident of the City, the name, address and home, work, cellular and facsimile telephone numbers and electronic mailing address of his/her agent with the authority for receipt of service or notice of a violation of the provisions of this article.
- (6) The number of dwelling units within the residential rental property.

The Code official may, at any time, require additional relevant information of the owner or property manager to clarify items on the application for license.

Whenever there is a change in ownership of a residential rental property or the owner's property agent, the owner shall, within thirty (30) days of such changes, file an updated written notice with the Code official indicating such changes.

Each residential rental property license and renewal license shall require the payment of a fee which amount shall be in accordance with section 4-183 of this article. In addition thereto, an inspection fee shall be charged and billed after each inspection as required by this article.

A residential rental property license shall be valid for a period of twelve (12) consecutive months from its date of the initial inspection by the Code official. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-179. Inspections:

Upon receipt of a completed application form and payment of the license fee for a residential rental property license, the Code official shall issue a temporary license and schedule an initial inspection of the property as soon as is practicable after submittal of the license application. The initial inspection shall determine whether the residential rental property is in conformance with the City's ordinances and all other applicable provisions of this article and/or other applicable codes.

All residential rental property required to be licensed and subject to an initial inspection shall be classified by the Code official and subject to further renewal inspections as follows:

Class A - Residential rental property with minimal Code violations; inspected four (4) years thereafter.

Class B - Residential rental property with minor Code violations; inspected two (2) years thereafter.

Class C - Residential rental property with major Code violations; inspected one year thereafter.

Class N - Residential rental property newly constructed; inspected four (4) years from the date of initial licensing.

When the initial or renewal inspection of a residential rental property reveals any violations of applicable codes, a notice shall be provided to the owner or his agent as specified in section 107 of the International Property Maintenance Code. The notice shall contain a time frame set by the Code official necessary to correct the violations based on the number and severity of the violations.

A compliance inspection will be conducted at the end of the time frame set to correct violations. If the Code official finds that the requirements of applicable City codes have not been met, or that any information provided in the license application is false, the license shall be suspended, revoked or not issued in accordance with section 4-182 of this article. Each licensee shall be entitled to one compliance inspection at no charge. Compliance inspections subsequent to the first compliance inspection shall be charged in accordance with the provisions of section 4-183 of this article. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-180. Inspection Access:

It shall be the responsibility of the owner or the property agent to be present at the residential rental property on the date and time of the initial, renewal and enforcement inspections to provide access for the inspection.

If any owner, property agent, tenant, occupant or other person in control of a residential rental property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit under his/her control for any inspection pursuant to this article, the Code official or his designee may apply to the Circuit Court for administrative warrant or other appropriate court order authorizing such inspections. Refusal by an owner or property agent to allow an inspection shall be grounds for revocation or suspension of the residential rental property license. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-181. Penalty For Violation:

See section 10-107.11, "Schedule Of Penalties For Ordinance Violations", of this Code. (Ord. 050-2017, 12-11-2017)

Sec. 4-182. License Suspension And Revocation:

A license may be suspended when violations of applicable codes have been identified by the Code official and the property owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the Code official to be false.

When a license is suspended, the Code official shall send notice to the property owner or property agent at the last address provided on the most recent license application. Said notice shall be in accordance with the provisions of section 107 of the International Property Maintenance Code.

If the property owner changes his address or changes the property agent and fails to notify the Code official, such notice shall be sufficient if sent by certified mail to the owner or the property agent's last address provided on the last license application.

A property owner whose license has been suspended may request a compliance inspection prior to revocation of the license. If, upon completion of the compliance inspection, the Code official finds that the licensed residential rental property in connection with which the notice was issued is now in compliance with this article, the Code official may reinstate the license. The request for a compliance inspection shall not stay the revocation of the license unless the Code official grants such request pursuant to a showing of good cause by the property owner.

Any person whose license has been suspended shall be entitled to appeal the suspension by filing a petition as set forth in section 111 of the International Property Maintenance Code. Such an appeal shall operate as a stay of the revocation until such time as the Appeals Board renders a decision on the Code and appeal.

A license may be revoked when a petition for appeal has not been filed within fourteen (14) days following the date of issuance of an order of suspension, or, if the suspension is sustained after the appeal. A license may also be revoked when in the opinion of the Code official emergency conditions exist in a residential rental property that require the immediate vacating of a structure as specified in the International Property Maintenance Code.

A license which has been properly revoked as herein provided, shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this article, including the payment of all applicable fees.

Whenever a license is revoked, the Code official shall send notice to the property owner or listed property agent at the last address provided on the most recent license application. Said notice shall be in accordance with the provisions of section 107 of the International Property Maintenance Code. (Ord. 95-2004, 10-4-2004; Ord. 050-2017, 12-11-2017)

Sec. 4-183. Fees:

(a) The following fees shall be assessed for licensing and inspection of residential rental property subject to this article:

- (1) Compliance inspection: No charge for first; fifty five dollars (\$55.00) per visit thereafter.
 - (2) Initial inspection: Sixteen dollars (\$16.00) per dwelling unit/rooming unit.
 - (3) Rental inspection: Sixteen dollars (\$16.00) per dwelling unit/rooming unit.
 - (4) Residential rental property license (4 or less buildings on the property): Thirty five dollars (\$35.00) per year, plus an additional twelve dollars (\$12.00) per unit, per year.
 - (5) Residential rental property license (5 or more buildings on the property): One hundred ten dollars (\$110.00) per year, plus an additional twelve dollars (\$12.00) per unit, per year.
 - (6) Temporary residential rental property license (4 or less buildings on the property): Thirty five dollars (\$35.00) per year, plus an additional twelve dollars (\$12.00) per unit, per year.
 - (7) Temporary residential rental property license (5 or more buildings on the property): One hundred ten dollars (\$110.00) per year, plus an additional twelve dollars (\$12.00) per unit, per year.
- (b) When rental license fees are not paid on or before the due date, a penalty of five percent (5%) shall be added. Failure to receive an annual renewal notice does not entitle the owner to a remission of penalty. (Ord. 050-2017, 12-11-2017)

Sec. 4-184. Severability:

If any section, subsection, paragraph, sentence, clause, or word of this article shall be held invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, clauses or words of this article, and the application thereof; and to that end the sections, subsections, paragraphs, sentences, clauses, and words of this article shall be deemed severable. (Ord. 95-2004, 10-4-2004)

Sec. 4-185. Other Remedies:

Nothing in this article shall prevent the City from taking action under any applicable City Code or ordinance for any violation thereof or limit the right or authority of the City to perform inspections based on a tenant complaint or to seek injunctive relief or other appropriate legal remedy for any violation of such Code or ordinance. (Ord. 95-2004, 10-4-2004)

Sec. 4-186. Review:

(Rep. by Ord. 050-2017, 12-11-2017)

Secs. 4-187 – 4-200. Reserved: