

Chapter 18AA RENTAL HOUSING LICENSING*

***Editor's note:** Ordinance No. O-12-90, adopted June 4, 1990, repealed Ch. 18AA regarding rental housing licensing, and reenacted it with amendments as set out herein.

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Sec. 18AA-1. Purpose and scope of chapter.

The purpose of this chapter is to assure compliance with all laws, ordinances and regulations applicable to rental housing units in the city. It is further the purpose of this chapter to promote and ensure safe, healthy and habitable housing conditions in rental units in the city, to prevent deterioration of rental properties and to encourage responsible management and use of rental property by inspection and licensing of these units.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Boarding house. A dwelling in which, for compensation, lodging and meals are furnished to at least three (3) but not more than five (5) guests. A boarding house shall not be deemed a home occupation. Any boarding house lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

City manager. The city manager or his designee.

Dormitory. A building or portion thereof used for sleeping purposes in connection with a school or college or other institution.

Dwelling. A building or portion thereof arranged or designed to provide living facilities for one or more families, excepting trailers and mobile homes.

Dwelling unit. A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Dwelling, multiple-family. A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

Dwelling, single-family. A detached residence designed for or occupied by one family only, excluding trailers and mobile homes.

Dwelling, two-family. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Family. One or more persons occupying a single housekeeping unit and using common cooking facilities; provided, that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

Hotel. Any building containing ten (10) or more guest rooms where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or hotel-apartment as defined herein.

Mobile home. A moveable or portable dwelling built on a chassis connected to utilities and designed without permanent foundation for year-round living.

Owner. Any person, firm, partnership, association, company or corporation having a legal or equitable interest in the rental facility, including, but not limited to, a mortgagee and an assignee of rents. It shall also mean any person who, alone or jointly or severally with others, shall have the charge, care or control of any structure as executor, administrator, trustee or guardian of the estate of the owner. Any person, firm, company, association or corporation whose name appears on the property tax bills shall be deemed to be owner of the rental property.

Rental housing unit. Any space in any building which for a consideration is made available to a person or persons for dwelling or lodging purposes and, in any building containing three (3) or more rental housing units, spaces within the building used for access, storage, trash disposal, cleaning, utilities or recreational purposes. Rental housing units may be contained within single-family, two-family and multiple-family dwellings, townhouses, urban cottages, mobile homes, rooming house, boarding house, dormitory, tourist home, hotel, motel and apartment-hotel as defined herein, provided they are otherwise allowed by Chapter 24 of this Code.

Roominghouse. A dwelling in which lodging is furnished for compensation to at least three (3) but not more than five (5) guests. Any roominghouse lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

Townhouse. One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.

Urban cottage. A subordinate dwelling unit, either freestanding or part of another structure on a lot, that because of its size, facilities or usage is secondary to the primary dwelling unit located on the lot.

(Ord. No. O-12-90, 6-4-90; Ord. No. O-14-93, 11-1-93)

Sec. 18AA-3. License--Required.

All owners of any occupied rental housing units must have a valid, unrevoked license issued by the city manager pursuant to this chapter.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-4. Same--Application; fees.

The owner of any rental housing unit within the city which is occupied shall deliver to the city manager on a form to be supplied by the city manager, an application for the license hereinabove required, signed by the owner or his authorized agent. The application shall be filed before any such unit is occupied or permitted to be occupied. Such application shall be accompanied by a fee which shall be established by resolution of the city council.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-5. Same--Issuance.

(a) Upon receipt of a properly completed application and the required fee, the city manager shall issue a temporary license to expire six (6) months after the date of issuance. As soon as practicable thereafter, the city manager shall cause an inspection to be made of the premises described in the application. If the inspection discloses no violation of any applicable law or other regulation, the city manager shall issue a final license. The license shall be posted in a conspicuous place on the premises or maintained in the custody of the resident manager. If the inspection discloses a violation, the city manager shall notify the owner in writing of the nature of the violation and the time within which such correction shall be accomplished. The final license shall be issued after reinspection evidencing a corrected violation, and the final license shall expire two (2) years from the date of issuance of the temporary license. In the event violations have not been corrected upon reinspection, or no authorized person was present to accompany the city inspector upon reinspection, the temporary license shall be revoked unless an extension thereof has been granted by the city manager for good cause shown. Upon revocation of any temporary or final license, the unlicensed units may be ordered vacated by the city manager, and/or a reinspection may be ordered upon the payment of a reinspection fee in an amount prescribed by resolution of the city council.

(b) If the application is for premises less than two (2) years old at the time of application, no temporary license shall be issued, but a final license shall be issued promptly after the satisfactory completion of all inspections required by other applicable laws, ordinances or regulations and rental application has been filed with the city manager.

(c) All multifamily apartment houses shall be issued a final license upon receipt of a completed application form and fee which shall be established by resolution of the city council. (Ord. No. O-12-90, 6-4-90)

Sec. 18AA-6. Same--Renewal.

At least ninety (90) days prior to the expiration of a final license, the holder thereof shall apply for renewal thereof. The city manager shall cause an inspection of the premises to be made after which the procedures shall be as set forth in subsection (a) of section 18AA-5.

When a rental property becomes owner occupied, the previous owner must inform the city manager to remove the property from the listed rental stock on file with the city.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-7. Inspections.

An inspection is required for all rental housing units. When an inspection is required of a building containing more than two (2) dwelling units, the city manager may designate the number of units to be inspected and how often.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-8. Violation after license issued.

If, after a final license has been issued, the city manager shall discover, in a rental housing unit, a violation of any applicable law, ordinance or regulation, he shall give the owner the notice required by subsection (a) of section 18AA-5. If the correction is not completed within the time stated in the notice or any extension thereof by the city manager, the city manager may revoke the license for the premises in which such rental housing unit is located. Should the temporary or final license be revoked, the city manager shall cause an inspection of the premise to be made, the procedure for which shall be as set forth in subsection (a) of section 18AA-5.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-9. Violations generally; injunctive relief.

Violations of this chapter are declared to be municipal infractions and enforceable pursuant to the provisions of section 1-9. The maximum penalty for each initial and repeat violation shall be established by the city council.

In addition thereto, the city may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this chapter or to correct violation of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief. (Ord. No. O-12-90, 6-4-90)

Sec. 18AA-10. Transferability of license.

When property licensed hereunder is transferred to another owner, the license may be transferred to the new owner upon written application therefor to the city manager and payment of such fee as shall be prescribed by the city council by resolution.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-11. Appeals.

Any action of the city manager under this chapter shall be subject to appeal to the city board of appeals as provided in sections 24-187 through 24-193.

(Ord. No. O-12-90, 6-4-90)

Sec. 18AA-12. Consent to inspection.

The submission of an application for a license hereunder shall constitute continuing assent by the owner of the premises described in the application to inspection of the premises by the city manager during reasonable hours.

(Ord. No. O-12-90, 6-4-90)