

# **ARTICLE 6.12**

## **SINGLE-FAMILY AND DUPLEX RENTAL PROPERTY REGULATIONS**

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## ARTICLE 6.12 SINGLE-FAMILY, DUPLEX AND SHORT-TERM RENTAL PROPERTY REGULATIONS

### **Sec. 6.12.001 Definitions**

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

*Bedroom.* A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio, or breezeway.

*Building.* Any structure having a roof that is built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.

*Building line.* Any line parallel or approximately parallel to a lot line and beyond which no buildings may be erected.

*Building official.* The officer or other designated authority charged with the administration and enforcement of this article.

*Certificate of occupancy.* An official certificate issued by the city through the chief building official which indicates conformance for legal use of the premises for which it is used.

*Duplex.* One dwelling divided into two units on one property.

*Dwelling.* Any building providing complete independent living facilities for one family to include permanent provisions for living, sleeping, eating, and cooking.

*Family.* Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage, or adoption. Foster children shall be considered as a related member of the family.

*Landlord.* Any owner, resident, or nonresident, who leases, barter, or rents his single-family residence to another.

*Nonresident owner.* Any person who does not live, stay, or dwell in a single-family home in which he/she owns.

*Occupancy.* The use or intended use of the land or buildings by proprietors or tenants.

Owner. A person claiming, or who is vested in the ownership, dominion or title of real property.

Premises. A lot, plot or parcel of land, including any structure thereon and furthermore including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

Short-term rental. Short-term rental (STR) is defined as the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of less than thirty (30) days. The term does not include: (1) a bed and breakfast; or (2) a hotel or residence/hotel.

Single-family residence. A detached building containing not more than one dwelling unit entirely surrounded by open space on that lot.

Tenant. Any person who occupies a dwelling unit for dwelling purposes with the landlords consent.

#### **Sec. 6.12.002 Purpose**

The city recognizes a need for an organized inspection program of residential rental properties within the city to meet city and state life safety, health, fire, and development codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition. The city recognizes that the most efficient system to provide registrations and rental inspections is the creation of a program requiring registration and issuance of a certificate of occupancy for all single-family, duplex and short-term rental properties within the city so that rental properties can be identified and orderly inspections can be made.

#### **Sec. 6.12.003 Building official; power and duties**

- (a) The building official is hereby designated as the administrator of this article.
- (b) In addition to the powers and duties otherwise prescribed for the building official or his designated representative, as administrator of this article, he is required to:
  - (1) Administer and enforce all provisions of this article. Keep records of all licenses issued.

(2) Adopt rules and regulations, not inconsistent with the provisions of this article, with respect to the form and content of application for registration, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article.

(3) Conduct on his/her initiative, periodic inspections of residential rental properties throughout the city, concerning their compliance with this article.

#### **Sec. 6.12.004 Registration requirements**

No person shall hereafter occupy, allow to be occupied or rent or let to any another person for any occupancy any residential rental property, including but not limited to a short-term rental property within the city for which an annual registration has not been completed and filed with the division of building inspections.

#### **Sec. 6.12.005 Change in tenancy**

When a rental residence is vacated by the tenant, the owner must apply for and receive a certificate of occupancy from the building official prior to the property being occupied by a new tenant. The building official or his designated representative will inspect the property and premises for compliance with this code, the International Property Maintenance Code, International Building Codes and other applicable ordinances of the city. If deficiencies are found the building official may prohibit occupancy of the residence and premises until such time as the owner takes action needed to bring the residence and premises into compliance. The inspection required by this section shall apply to all dwelling units and premises prior to its original occupancy as a rental property.

#### **Sec. 6.12.006 Tenant record list**

Short-term rental property owners are required to keep a complete record of each and every tenant and occupant of each of their short-term rental properties located within the city limits. Such records shall be maintained for a period of no less than eighteen (18) months from the date of rental or occupancy and shall be made available to the city immediately upon request.

#### **Sec. 6.12.007 Inspection required**

(a) All single-family and duplex rental properties that rent to permanent residents shall be inspected upon any change of tenancy according to the rental property checklist.

(b) All short-term rental properties shall be inspected every six (6) months to ensure the property meets applicable city and state life safety, health and fire codes for the health and welfare of both the property owners and guests.

(c) A reinspection will not be necessary if the owner (or property manager) submits sufficient proof to the city from which the city is able to determine that all noted violations have been appropriately repaired. Sufficient proof shall include an affidavit stating that the repairs have been completed, a copy of the receipt for materials used in the repair or a receipt for the work done to make the repair, and photographs of the repair(s). No certificate shall be issued, and no release of utilities shall be given if, as a result of an inspection, it is determined that the premises does not comply with the minimum housing standards contained in this code.

  **Sec. 6.12.008 Certificate issued**

When the building official determines that a rental property and premises are in compliance with the provisions of this and other applicable codes, the building official shall issue a certificate of occupancy.

  **Sec. 6.12.009 Rental property registration fee**

The annual fees and/or inspection fees for activities and services performed by the building inspection division in carrying out its responsibilities under this code shall be as indicated in the fee schedule as established by resolution of the city shall be charged for compliance with this article.

  **Sec. 6.12.010 Penalty**

Any person, firm, corporation or corporation violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the city, shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

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