

## Chapter 5

# RENTAL HOUSING

### 3-5-1: PURPOSE AND SCOPE:

It is the purpose of this chapter to assure that rental housing in the city's R-1 one-family residential zoning district is decent, safe and sanitary and is operated and maintained in accordance with the city's regulations. The implementation of a rental licensing program in the R-1 zoning district is a mechanism to ensure that rental single-family housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. The operation of rental housing entails certain responsibilities. Owners of rental housing are responsible to take the reasonable necessary steps to ensure that those individuals who occupy rental housing units may pursue the quiet enjoyment of the normal activities of life in the surrounding area that are: safe, secure, and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children. (Ord. 407, 4-4-2006)

### 3-5-2: DEFINITIONS:

For the purpose of this chapter, the following terms shall be defined as set forth below:

**DWELLING:** A building or one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, tents and recreational vehicles, or attached multiple-family dwellings.

**DWELLING UNIT:** A residential accommodation located within a dwelling that includes permanently installed cooking, sleeping, and sanitation facilities, designed or intended for use as living quarters for a single family. Dwelling units subject to this chapter are defined as being detached dwelling units in the R-1 one-family zoning district.

**OCCUPANT:** A person who lives or sleeps in a dwelling unit.

**OWNER:** A person who is the recorded or unrecorded owner of the dwelling unit.

**RENT:** To permit occupancy of a dwelling unit by a person other than the legal owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.

**RENTAL DWELLING:** A dwelling unit that has been rented.

TENANT: A person who occupies a rental dwelling. (Ord. 407, 4-4-2006)

### **3-5-3: GENERAL LICENSING PROVISIONS:**

- A. License Required: No person shall rent a single-family detached dwelling unit in the R-1 zoning district to another for occupancy unless the city has issued a rental license for the dwelling unit.
  
- B. License Application: The owner of a dwelling unit may submit an application for a rental license on forms provided by the city administrator or official designee. A person who has been issued a rental license shall give notice, in writing, to the city administrator, within five (5) business days of any change in the information contained on the license application.
  
- C. License Fees: Licensing fees shall be prescribed, from time to time, by council resolution, and maintained on file in the office of the city administrator. The required fees shall be submitted along with the application for a new or renewal license. Applications for a renewal license submitted after the license term expiration are subject to a penalty fee.
  
- D. License Terms: All dwelling unit rental licenses shall expire on December 31 of each year except as otherwise provided herein or in cases of suspension or revocation.
  
- E. License Issuance: The city shall issue a dwelling unit rental license if real estate taxes and municipal utility bills for the dwelling unit have been paid, and city has no record of unresolved complaints regarding the property subject to the rental license.
  
- F. Renewal Of License: A licensee may continue to rent a dwelling unit after the expiration date of the rental license provided that the owner has filed with the city administrator, on or before the expiration date, the appropriate renewal license application and license fee, and provided that the city has no record of unresolved complaints regarding the property subject to the rental license.

G. Transfer Of License: A rental license shall not be transferable to another person or to another dwelling unit. (Ord. 407, 4-4-2006)

### **3-5-4: CONDITIONS OF LICENSE:**

Dwelling unit rental licenses shall be issued subject to the following conditions:

A. Tenant Register: The owner shall keep or cause to be kept, a current register of occupancy for each dwelling unit which shall be made available for viewing or copying by the city administrator as requested. Said register shall provide, at a minimum, the following information:

1. Address of dwelling unit.
2. Number of bedrooms in dwelling unit.
3. Number of adults and children (under 18 years of age) currently occupying or proposed to occupy the dwelling unit.

B. Conduct On Licensed Premises:

1. Disorderly Conduct: It is the responsibility of the owner to see that persons occupying the licensed premises conduct themselves in such a manner so as not to cause the premises to be disorderly or constitute a nuisance. (Ord. 407, 4-4-2006)

### **3-5-5: ENFORCEMENT:**

The application for a dwelling unit rental license will be reviewed by the city administrator. The city administrator may conduct inspections of the rental dwelling units to determine the compliance with the applicable provisions of this code.

A. License Suspension Or Revocation, Or Refusal To Renew: A dwelling unit rental license is subject to suspension or revocation by the city council, or the city may refuse to renew a license that expires, for the reasons specified herein. Prior to suspension, revocation, the owner shall be notified in writing at least five (5) days prior to the city council's consideration of such action. In the event that a dwelling unit rental license is suspended or revoked by the city council, or a renewal application is denied, it shall be unlawful for

the owner to thereafter permit any new occupancies for vacant, or thereafter vacated dwelling units, until the dwelling unit rental license has been reissued. Issuance of a new dwelling unit rental license shall be made in the manner provided in section 3-5-3 of this chapter for obtaining an initial license. A dwelling unit rental license may be suspended or revoked, or renewal may be refused, for any of the following reasons:

1. Failure of owner or its agent to operate or maintain the dwelling unit in compliance with the provisions of the city's regulations.
2. The activities of the owner or tenants of the rental unit create or have created a danger to the public health, safety or welfare.
3. The owner or tenants of the rental unit occupy and/or operate the unit in a manner that permits conditions that injure, annoy, or endanger the safety, health, morals, comfort and repose of any member of the public. (Ord. 407, 4-4-2006)

### **3-5-6: LIABILITY:**

Neither the city nor its employees or agents shall be deemed liable for damages to a third person or property by reason of this chapter. (Ord. 407, 4-4-2006)