

## ARTICLE IV – RESIDENTIAL RENTAL PROPERTY LICENSE

**6-4-1**        **PURPOSE.** The purpose of this Article is to provide for the registration and permitting of residential rental property so as to protect the public health, safety and general welfare of the citizens of the Village, including but not limited to:

- (A)            To protect the public health and safety by insuring residential rental units comply with minimum housing standards of Village ordinances;
- (B)            To protect the character and stability of residential areas;
- (C)            To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social wellbeing of persons occupying dwellings;
- (D)            To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit;
- (E)            To facilitate the enforcement of minimum standards for the maintenance of existing residential building and thus to prevent slums and blight;
- (F)            To preserve the value of land and building throughout the Village.

**6-4-2**        **DEFINITIONS.**

- (A)            **"Member of the owner's family"** means an individual related by blood, adoption or marriage.
- (B)            **"Premises"** means a lot, plot, or parcel of land including the interior and exterior of any structures thereon.
- (C)            **"Property Agent"** means a person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the Village Clerk to manage a residential rental property including the authority to receive notices or citations.
- (D)            **"Residential Rental Property"** means any residential structures or individually titled dwelling units let or intended to be let for rent or lease including single-family detached structures, duplex, or multi-family structure.
- (E)            **"Tenant-Lessee"** means an occupant of any residential rental property.
- (F)            **"Duplex"** means a building with **two (2) units**.
- (G)            **"Multi-Family Building"** means a structure that contains **three (3)** or more rental units.
- (H)            **"Single-Family Dwelling"** means a residential structure as a rental unit.
- (I)            **"Owner"** means one or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage in possession. As used herein, an organization shall include a corporation, trust, estate, partnership, association or any other legal or commercial entity. The term shall not include a lessee who previously occupied a rental unit and who is subleasing the unit for the remaining part of his or her lease.

**6-4-3**        **PERMIT REQUIRED.**

- (A)            It is unlawful for any owner person, firm, partnership, corporation, or other legal entity to operate, maintain or offer to rent within the Village of Smithton a residential rental property whether vacant or not without first obtaining a permit as provided in this Article.
- (B)            It is unlawful for a person to occupy a residential rental property, or for any owner or property agent or management company to allow anyone to occupy a residential rental property which is not permitted as provided in this Article.
- (C)            This Article shall not apply to the following structures:

- (1) Owner-occupied residential dwelling units;
  - (2) Residential buildings or dwelling units which are vacant and which are not intended to be let for rent;
  - (3) Hotels, motels, and other structures which rent rooms to occupants which are primarily transient or extended stay in nature;
  - (4) Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities;
  - (5) Nursing homes and convalescent care facilities.
- (D) A permit for a residential rental property cannot be transferred to any other residential rental property or to any succeeding owner.

**6-4-4 OWNER/AGENT AND MANAGEMENT COMPANY PERMIT APPLICATION AND REQUIREMENTS.** Every applicant for a permit to maintain a residential property for the purposes of renting it to others shall file a written application with the Village Clerk stating:

- (A) The full legal name, address, and home and work telephone numbers of each and every owner, agent and/or management company;
- (B) "Owners', Agents' or Management Company Representatives' notarized signature;
- (C) The address and unit # of the residential rental property;
- (D) The square footage of each bedroom within the rental property to be determined by the owner, agent and/or management company;
- (E) The name and address, and phone number or numbers of a responsible person who, in emergency situations, will be available on a **twenty-four (24) hour** basis and who has the authority to make repairs as needed. **(Ord. No. 938; 5-5-2020)**

**6-4-5 TENANT/LESSEE PERMIT APPLICATION AND REQUIREMENTS.** Each applicant for a permit to occupy a rental residential property shall file a written application with the Village Clerk stating:

- (A) The address and unit number of the rental residential property;
- (B) The tenant/lessees notarized signature;
- (C) The lessee and any occupants over the age of **eighteen (18) years** of age shall provide a photo ID that will be kept on record at the Village Hall;
- (D) The name, date of birth and relation to the tenant of every person who will or shall be occupying the premises;
- (E) Smithton Village Vehicle Sticker #;
- (F) Number of allowed occupants based on bedroom square footage formula;
- (G) A fee of **Twenty-Five Dollars (\$25.00)** received shall be paid to the Village.
- (H) Each application for a new permit shall be accompanied by the fee as set forth herein. **(Ord. No. 938; 5-5-2020)**

**6-4-6 ENFORCEMENT.** It shall be the duty of the Police Department to enforce the provisions of this Article as authorized by the Municipal Code as adopted and amended from time to time by the Village.

**6-4-7 VIOLATIONS.** The following shall constitute violations of this Article:

- (A) Failure of the owner, agent and/or management company of the rental residential property to obtain a permit for such property with the Village;

(B) Failure of the occupants of the rental residential property to vacate such property within **sixty (60) days** after receiving notice from the Police Department that such property is not properly permitted;

(C) Failure of the owner, agent and/or management company of the rental property to vacate all tenants from such property within **sixty (60) days** after the permit has been revoked;

(D) Any person other than one authorized by the Police Department who removes or defaces any notices which have been posted pursuant to this Article shall be liable for the penalties provide for by this Article.

(E) Violations of this Article shall be punishable by fine or not less than **Two Hundred Fifty Dollars (\$250.00)** not more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day may constitute a separate and continuing violation. The Village may seek remedies which include corrective action or prohibitions as a part of its relief.

(F) In the event that the Village of Smithton denies or revokes registration of a rental property, the tenants of the subject property shall be informed by the Village of the decision and of their need to obtain other housing.

**6-4-8 CHANGES IN OWNERSHIP.** Within **thirty (30) days** of any change of ownership of a rental property, the new owner, agent and/or management company shall reregister the property by filing the registration information and form(s) as required by this Article. A change of ownership shall include any change in ownership rights, including execution of a contract for deed, whether recorded or not.

**6-4-9 FEES.** It being the goal of the Village that the rental registration program be self-supporting, the registration fees are:

(A)	Single-family/mobile home – Per building	\$25.00
(B)	Duplexes – Per unit	\$25.00
(C)	Multi-family (3+ units) – Per unit	\$25.00
(D)	Late Registration	\$25.00
(E)	Late Registration applied after moving in after 30 days	\$50.00

The registration fees are payable to the Village upon registration of any new tenants wanting to occupy each residential rental property within the boundaries of the Village of Smithton.

**6-4-10 PERMIT SUSPENSION AND REVOCATIONS.** A permit may be suspended when any violation of applicable Village codes has been identified by the Village and the property owner has been properly notified of the violation and given a reasonable period of time in which to correct the violation, but has failed to do so. A permit may also be suspended when any information provided in the license application is determined by the Police Department to be false.

**6-4-11 SAFETY AND SECURITY.** To ensure the safety of all residents of rental properties, every owner shall: Cooperate with the Village and its police and fire departments to continually address public safety issues and crime problems at any rental property. This cooperation shall take the form of meeting with Village officials.

**6-4-12 NOTICE OF VIOLATION.** Whenever the Police Department determines that any rental dwelling or the premises surrounding fails to meet the requirements set forth in this Article or in applicable rules and regulations issued pursuant thereto, the Police Department shall issue a notice setting forth the alleged failures and advising the responsible party that such failures must be corrected. This notice shall:

- (A) Be in writing.
- (B) Set forth the alleged violations of this Article or of applicable rules and regulations issued pursuant thereto.
- (C) Describe the rental dwelling where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction.
- (D) Specify a specific date for the correction of any violation alleged.
- (E) Be served upon the responsible party of the rental dwelling by the Police Department or mailed to the responsible party. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the rental dwelling described in the notice.

**6-4-13**        **ADMINISTRATIVE APPEALS.** An owner, agent and/or management company, may appeal a registration denial or revocation to the Board of Trustees within **ten (10) days** of the date of written notice to such owner, agent and/or management company, of the denial or revocation or registration. The appeal must be in writing and state the reasons the owner, agent and/or management company disagrees with the determination to deny registration or the reasons for the revocation. The Board of Trustees shall promptly schedule a hearing at a time and date no later than **twenty-one (21) days** from the date or receipt of the appeal by the POLICE DEPARTMENT, or at a later date at the request of the owner, agent and/or management company. The Board of Trustees shall have the power to administer oaths and require the attendance of any Village employees. The hearing shall be recorded. The Board of Trustees shall make written findings of fact and issue a written decision which shall be promptly mailed to the owner and agent, if any.

**6-4-14**        **VALIDITY AND SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall be declared invalid for any reason whatsoever, this Section shall not affect the remaining portions of this Code, which shall continue in full force and effect, and to this end, the provisions of this Code are hereby declared to be severable.

**6-4-15**        **SAVINGS CLAUSE.** This Code shall not affect violations of any other ordinance, code or regulation of the jurisdiction existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect, at the time the violation was committed.