

ORDINANCE 2014- 07

AN ORDINANCE ESTABLISHING A RENTAL REGISTRATION PROGRAM

WHEREAS, the Town Council for the Town of Hope, Indiana ("Town Council") desires that all rental units within the Town of Hope, Indiana ("Town") be registered with the Town; and

WHEREAS, Indiana Code 36-1-20-1 et seq. empowers the Town Council to adopt measures for the registration of rental units; and

WHEREAS, the Town Council desires to adopt measures for the registration of rental units; and

WHEREAS, the Town Council desires to adopt enforcement measures and penalties to encourage compliance with this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hope, Indiana, as follows:

I. Definitions

As used in this section, the following terms are defined as follows:

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include travel trailers or recreational vehicles. The term shall include dwellings that are subject to a contract for sale.

Listing Certificate: The certificate issued by the Town upon listing of the rental structure with the Town.

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.

Person: Any entity, including an individual, firm, corporation, association, or partnership.

Premises: A lot, plot or parcel of land including the buildings or structures thereon.

Rental Complex: One or more buildings, under common ownership and/or management, with onsite management and/or maintenance.

Rental structure: A building containing one or more rental units.

Rental Unit: A dwelling unit or rooming unit made available for rent.

Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

II. Compliance Required; Application of Regulations

(A) No person shall occupy or maintain a rental unit within the Town unless in accordance with the provisions of this section.

(B) This subchapter applies to rental units located in the Town.

III. Listing of Rental Units Required

No owner of real estate in the Town shall use said real estate for the purpose of constructing or maintaining a rental unit or rental structure without first listing the rental structure with the Town and having received a listing certificate for said rental structure.

IV. Listing Procedures

(A) Applications: Listing of rental structures shall be made upon forms furnished by the Town and shall require the following information:

(1) The street address of the rental structure

(2) The number of rental units within each rental structure

(3) Name, address, telephone number, e-mail address, mobile telephone number and fax number of all property owners of the rental unit(s) and

(4) Name, address, telephone number, e-mail address, mobile telephone number and fax number of any responsible local agent designated by the owner.

(B) Accurate and complete information

(1) The listing form shall be signed by the rental structure owner. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(2) When information provided on the listing form changes, the owner shall notify the Town within 30 days of such change.

- (C) Whenever the ownership of a rental unit changes, the seller shall have the responsibility to report the change in ownership to the Town in writing within 30 days of the date of transfer. The seller shall notify the new property owner of the requirement to maintain listing certification of rental units.
- (D) Responsible local agent. If the owner is not a resident of the State of Indiana, the owner shall designate a responsible local agent. The agent will be responsible for : operating the listed rental unit in compliance with all applicable city ordinances; being available to respond in case of emergencies involving the listed rental unit and accepting all legal notices with respect to this section.
- (E) Listing deadline: All rental structures shall be listed with the Town no later than August 1 of every year. Listings shall be made on an annual basis.

V. Issuance of Listing Certificate

- (A) It shall be unlawful for any person to allow another person to occupy a rental unit without a current listing certificate.
- (B) Requirement. A listing certificate shall be issued at the time of listing and after:
 - (1) The applicant has completed the listing form

VI. Listing Certificate Terms

- (A) Listing certificates shall be valid until August 1 of the year following the date of issuance or until ownership is transferred.

VII. Violations

Any violations of this section shall subject the violator to the following penalties:
\$250.00 for late listing
and shall subject the violator to other enforcement provided by the Town Code of the Town of Hope, Indiana.

VIII. Establishment of the Rental Listing Fund

There is hereby established a special non-reverting operating fund which shall be known as the "Rental Listing Fund" into which shall be deposited each listing fee collected and all fines assessed under this section. Appropriations from this fund may be used to facilitate the clean up/removal of uninhabitable or blighted properties in the Town.

IX. Revocation of a Listing Certificate

A listing certificate may be revoked by the Town under one or more of the following conditions:

- (A) whenever the certificate was issued in error on the basis of incorrect information supplied;
- (B) when the owner has submitted a false, incomplete, or inaccurate statement as part of the rental listing for; or
- (C) if the owner has failed to pay any fees due to the Town including unpaid fines.

X. Enforcement Authority

The Town shall designate those persons and/or positions who are empowered to issue notices of violations. Further, violations may be pursued in the courts of Bartholomew County, Indiana.

XI. Non-Conforming Uses

Issuance of a listing certificate by the Town does not constitute a certification by the Town that the use is a legal non-conforming use.

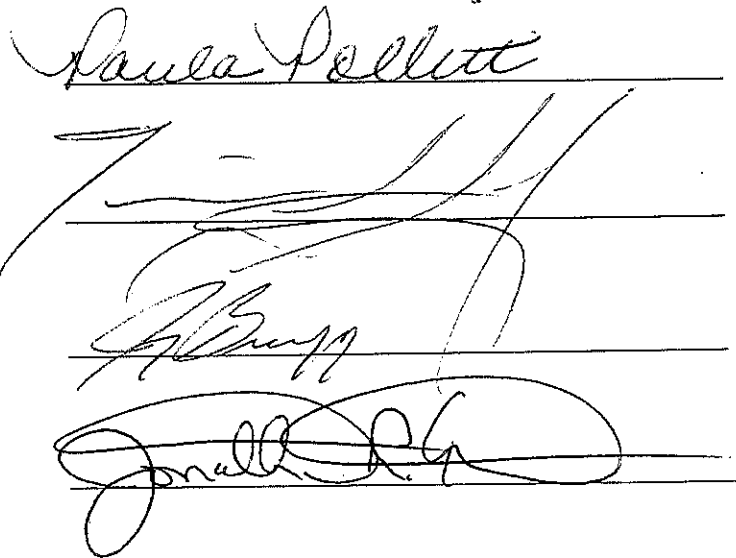
XII. Non-Exclusive Remedies

The remedies provided in this subchapter are not exclusive. They are in addition to, do not supersede or preempt other remedies contained in other ordinances or statutes.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

Passed and adopted this 3rd day of November, 2014.

TOWN COUNCIL OF THE
TOWN OF HOPE, INDIANA



The image shows four handwritten signatures, each written on a horizontal line. The signatures are written in cursive and are somewhat stylized. The first signature is clearly legible as 'Paula Pellitt'. The other three signatures are more abstract and difficult to read, but they appear to be the names of other council members.

Attest:



Diane Burton, Clerk-Treasurer
Town of Hope