

ORDINANCE NO. 2, 2018

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA TO PROVIDE FOR THE REGISTRATION OF RESIDENTIAL RENTAL HOUSING LOCATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF COLUMBUS

WHEREAS, the City of Columbus ("City") is a community in the State of Indiana which is facing the challenges of providing safe, available and affordable housing for current and future residents; and

WHEREAS, the growth of the City has increased the pressure on neighborhoods and housing in the City; and

WHEREAS, the Common Council of the City recognizes the need for an organized residential rental registration program for residential rental units within the City to provide an efficient and timely system of communication regarding code enforcement, fire and safety, and law enforcement for the health, safety, and welfare of all residents of the City; and

WHEREAS, the Common Council of the City desires that all residential rental units within the City be registered with the Department of Community Development; and

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

WHEREAS, the Common Council of the City authorizes the Department of Community Development and the Code Enforcement Office to develop a rental registration application and administrative procedures and processes for the purpose of registering a premises as a residential rental unit; and

WHEREAS, it is the desire of the Common Council of the City to adopt enforcement measures and penalties to encourage compliance with this ordinance for the health, safety and welfare of all residents of the City of Columbus; and

WHEREAS, Chapter 15.24 of the Columbus City Code contains the Housing Code to protect the health and safety of all residents and to promote the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS THAT CHAPTER 15.24 BE AMENDED TO REQUIRE REGISTRATION OF RESIDENTIAL RENTAL HOUSING NOW IN EXISTENCE OR HEREAFTER CREATED OR CONSTRUCTED IN THE CITY OF COLUMBUS AS FOLLOWS:

Section 15.24.010 Definitions

As used in this ordinance, the following definitions shall be added to or amended and shall apply to the interpretation and enforcement of this code unless otherwise designated:

“Agent” means any person or persons eighteen years or older authorized by an owner to act on the owner’s behalf.

“Code Enforcement Officer” means the Code Enforcement Officer of the city and shall carry the same status as Chief Code Enforcement Officer.

“Enforcement authority” means the Code Enforcement Officer of the city.

“Family” means one or more persons all related by blood, marriage or adoption.

“Guest” means a person who is a temporary resident (less than 25% of the time) of a dwelling unit and does not utilize the unit as an address for any purpose.

“Owner” means the person, group of persons, or legal entity identified as the real property owner on the most recent list prepared and maintained by the Bartholomew County Auditor’s Office.

“Rental housing” means any room, dwelling unit, rooming unit, or portion thereof, let or intended to be let to a family or person for compensation which may include money or services and includes the sharing of expenses.

“Residential Rental Registration Program” means a program authorizing the registration of rental housing including dwellings that are subject to sale on contract and mobile home dwellings.

“Residential Rental Unit” means a premises, building, or portion thereof designed for occupancy for residential purposes, in which space is let by the owner or agent of the owner and made available for rent. The term shall exclude:

- 1) travel trailers,
- 2) recreational vehicles,
- 3) transient occupancy in a hotel, motel or other similar lodging,

- 4) a single-family, owner occupied dwelling unit,
- 5) a group home or institutional residential home,
- 6) federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority,
- 7) scattered site Section 8 housing units administered solely by the local housing authority,
- 8) transient multi-tenant student housing located at the Columbus Airpark.

“Tenant” means a person occupying a dwelling unit, other than a guest, or using the property as a legal address for any purpose.

Section 15.24.011 Rental Registration Required

No owner of real estate within the corporate boundaries of the City shall use said real estate for the purpose of erecting or maintaining a residential rental unit thereon after May 1, 2018, without first registering each residential rental unit with the City. Further, pursuant to Indiana Code § 36-1-20-5, all such properties shall be registered on the earliest of:

- 1) an annual basis and by the deadline listed when notification is received, or
- 2) within thirty (30) days of change of ownership, or
- 3) within thirty (30) days of obtaining title to any residential rental unit.

Section 15.24.012 Rental Registration Application

Registration shall be made by complete and accurate submission of a City of Columbus Residential Rental Registration application to the Department of Community Development and signed by the owner with the accompanying registration fee not to exceed the maximum fee allowable under the Indiana Code § 36-1-20-5(c). The registration fee shall be imposed one time upon the initial registration as a residential rental unit and upon change of ownership for each separate parcel of real estate on which a residential rental unit is located. If the owner is not a resident of Bartholomew County, Indiana, or a county contiguous to Bartholomew County, the name, address, and telephone number of the owner’s agent authorized to receive notification of complaints, damages, emergencies, substandard conditions, or other communications shall be required. Any owner who does not reside in Bartholomew County, or a contiguous county, shall be required to designate an agent.

Section 15.24.013 Owner's Agent

Any owner who does not reside in Bartholomew County, Indiana, or a county contiguous to Bartholomew County, must retain and keep at all times an agent responsible for management of the property who resides or maintains a permanent office within Bartholomew County and who is authorized to receive notification of complaints, damages, emergencies, substandard

conditions, or other communications deemed necessary by the Code Enforcement Officer. The name, address, and telephone number of the owner's agent shall be required.

Section 15.24.014 Failure to Register - Penalties

Owners who fail to submit a residential rental unit application as required under Section 15.24.011 and Section 15.24.012 will be in violation of the provision of this title and shall be subject to the penalties (or fines) assessed on an annual basis as set forth below:

- 1) Any person who violates any provision of this chapter and who has received notification from the Department of Community Development or Code Enforcement shall be subject to a civil penalty (or fine) of up to \$100 for the first violation for the first thirty (30) days after the deadline. Additional violations within any consecutive 12-month period shall be as follows:
 - (a) Second violation - \$250 penalty for the next thirty (30) days;
 - (b) Third violation - \$500 penalty for the next thirty (30) days
- 2) Total cumulative maximum annual penalty shall not exceed eight-hundred fifty dollars (\$850) for each separate parcel of real estate on which a residential rental unit is located. This penalty will be assessed in addition to the required annual registration fee established by the City of Columbus with each thirty (30) day period being a separate and distinct violation. Total penalties shall not exceed those allowable under Indiana Code § 36-1-3-8(a)(10)(B).
- 3) A court of law may assess additional civil penalties for noncompliance.
- 4) The civil penalties shall be paid to the City Clerk.

Section 15.24.015 Assessment and Collection of Fees and Penalties

Fees assessed and collected shall be maintained as a separate line item pursuant to Indiana Code § 36-1-20-3 in a non-reverting fund which will be established; funds deposited may not at any time revert to the general fund or any other fund of the City of Columbus and will be dedicated solely to reimbursing the costs actually incurred by the City relating to the imposition and amount of the fee.

Section 15.24.016 Change of Contact Information

Within thirty (30) days of any change of contact information of the owner or the owner's agent, such owner or agent shall notify the Department of Community Development in writing.

Section 15.24.017 Retaliatory Eviction Prohibited

It shall be a violation of this chapter if a court of competent jurisdiction determines that any residential rental unit owner or his or her agent brought or threatened to bring an action for

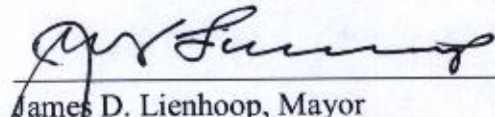
possession of a rental unit for the purpose of retaliating against a tenant for requesting the Code Enforcement Officer's assistance with deficiencies and/or code violations.

Section 15.24.018 Registration Records

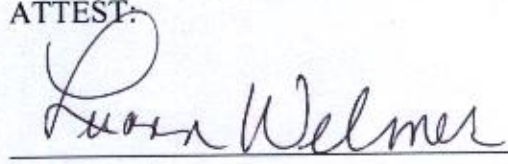
The Department of Community Development shall maintain the residential rental building registration records. These records shall consist of the registration information obtained under Section 15.24.012 - 15.24.013 of this section. This information is solely and exclusively gathered and maintained by the City for administrative enforcement proceedings, fire safety, and law enforcement purposes. Notwithstanding anything to the contrary herein, the Department of Community Development may, upon written request, disclose whether a rental housing parcel is registered under the provisions of Section 15.24.010 and, if not registered, whether excluded under the definition of a Residential Rental Unit.

This Ordinance shall be in full force and effect beginning on May 1, 2018.

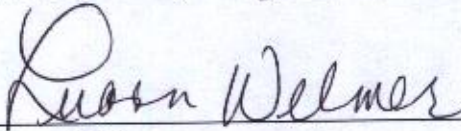
ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this 6th day of February 2018, by a vote of 6 ayes and 1 nays.


James D. Lienhoop, Mayor
Presiding Officer of the Common Council

ATTEST:

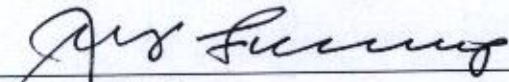

Luann Welmer
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this 6th day of February 2018 at 7:40 o'clock P.M.



Luann Welmer
Clerk-Treasurer

Approved and signed by me this 6th day of February 2018, at 7:42 o'clock P.M.


James D. Lienhoop
Mayor of the City of Columbus, Indiana