

ORDINANCE NO. 1344

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 1 OF THE CODE OF THE CITY OF GIRARD, KANSAS BY AMENDING SECTION 110 PERTAINING TO THE POWERS AND DUTIES OF THE CITY PLANNING COMMISSION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GIRARD, KANSAS:
AMENDING SECTION 218 AND ADDING SECTION 230.

Section 1. LANDLORD OCCUPATION LICENSE.

All landlords who own rental property within the City limits must obtain a Landlord Occupation License and register all of their rental properties. The fee for the license is \$20 per property for the first year and \$18 each additional year if renewed on time.

Section 2. REGISTRATION REQUIRED; FINES.

- a) Beginning and after May 1, 2020, each rental dwelling unit located in the City shall be registered pursuant to this article. An owner of a registered rental dwelling unit shall submit and maintain accurate, complete and current registration information for the rental dwelling unit. The registrant shall update the registration information within 30 days of change in information required on the Codes Enforcement Official's registration form. If a registrant transfers the rental dwelling unit to a new owner, the new owner shall within 30 days, either (1) notify the City that the new owner no longer rents the dwelling unit; or (2) update the registration information for the dwelling unit. If the rental dwelling unit has multiple owners, any one of the owners may register the rental dwelling unit. If an entity owns the rental dwelling unit, an authorized partner or officer shall register the unit.
- b) The registrant shall submit the following information on the form provided by the Codes Enforcement Official:
 1. Rental dwelling unit address and number of dwelling units associated with a building address;
 2. Owner's name and registrant's contact information (full name, date of birth, mailing address, e-mail address (if applicable) and telephone number);
 3. The registrant's certification that the registration contains information that is complete and correct.
- c) No person shall rent, or permit or allow another person to rent or to occupy, a rental dwelling unit that is not registered or updated in accordance with this article. Each day that any person rents, or permits or allows another person to rent or to occupy a rental dwelling unit in violation of this article shall be considered a separate offense.
- d) A violation of subsection (c) shall be punished as follows:
 1. For a first conviction within the preceding 12-month period, the person shall be punished by a fine of at least \$100.00, but not exceeding \$500.00.
 2. For a second conviction within the preceding 12-month period, the person shall be punished by a fine of at least \$250.00, but not exceeding \$500.00.

3. For a third or subsequent conviction within the preceding 12-month period, the person shall be punished by a fine of \$500.00. In addition, the person may be punished by a term of imprisonment for a period not exceeding six months.
- e) Nothing contained in this article shall be interpreted or construed to relieve the owner or person responsible from the responsibility to comply with all applicable laws or City codes.

Section 3. EXCEPTIONS.

- a) The provisions of this article shall not apply to an owner-occupied dwelling unit.
- b) The following are not considered to be rental dwelling units subject to the requirements of this article: state-licensed hotels and motels; state-licensed or regulated living facilities, including, but not limited to adult care homes, group homes, community mental health centers, residential treatment facilities, and residential care facilities; parish houses, rectories or dwelling units provided, for no compensation, by a religious organization to the religious organization's clergy or leaders; bed and breakfasts; and hospitals.

Section 4. APPOINTMENT OF A LOCAL AGENT.

- a) If the registrant resides outside a 60-mile radius of Girard, then the registrant must appoint an agent who is located within 60 miles of Girard. If the registrant resides within the 60-mile radius of Girard, the registrant may appoint an agent, at the registrant's option. If a registrant appoints an agent, the registrant must provide the agent's full name, property management company name (if applicable), e-mail address (if applicable), phone number and mailing address on the registration form. The agent's purpose under this article is to receive notification of any code or zoning violation notice sent to an owner, to serve as a local contact in the event of an emergency, and to facilitate contact between the City and the owner. The appointment of an agent pursuant to this article does not make the agent legally responsible for violations of code or zoning with respect to the owner's property, nor does it make the agent legally responsible for the owner's lack of compliance with this article.

Section 5. AUTHORITY OF THE CODES ENFORCEMENT OFFICIAL.

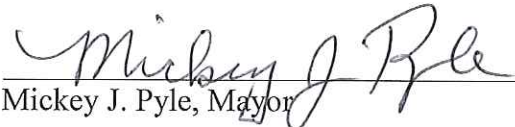
- a) The Codes Enforcement Official shall develop and provide a rental dwelling unit registration form to obtain the registration information required by this article. The Codes Enforcement Official may produce and furnish written and electronic applications for registration, which may include a consolidated registration form for multiple rental dwelling units owned by a single owner.
- b) The Codes Enforcement Official shall have the authority to develop and maintain an education program to implement the purposes of this article and to protect the public health, safety and welfare through the promotion of safe rental housing, the preservation of the character and stability of residential neighborhoods, and the protection of property values.

Section 6. REMEDIES IN THIS ARTICLE NOT EXCLUSIVE.

The remedies provided in this article are not exclusive. Any remedy sought pursuant to this article shall be in addition to, and do not supersede or preempt other remedies available to the City, including, but not limited to, vacation of a dwelling unit, condemnation, or criminal prosecution for the violation of the substantive provision of a City code or ordinance. Further, the remedies in this article do not supersede or affect the legal rights and remedies of landlords or tenants provided under federal, state or local law.

Section 7. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY 2020.


Mickey J. Pyle, Mayor

ATTEST:


Karen E. Buck, CMC, CPM, City Clerk