

ORDINANCE NO. 2017-02

AN ORDINANCE TO AMEND CHEROKEE VILLAGE ORDINANCE 2012-3: RENTAL HOUSING CODE ORDINANCE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CHEROKEE VILLAGE CITY COUNCIL THAT Ordinance No. 2012-03, is amended as follows:

SECTION 1: Section 2 of Ordinance No. 2012-03 is deleted in its entirety and replaced with the following SECTION 2.

BEGIN NEW AMENDED LANGUAGE

SECTION 2: REGISTRATION AND BUSINESS PERMIT FEE OF RENTAL UNITS

- 2.1 **Occupancy.** No rental unit may be occupied by anyone other than the owner without having being registered and inspected under the provisions of this ordinance.
- 2.2 **Rental Registration.** Each owner of a rental unit, whether occupied or vacant, shall file with the City a completed registration form including the appropriate fee for each rental unit. All delinquent fees, fines, charges, or other amounts due to the City by the owner in part or in whole must be paid before the owner can register any rental unit.
 - 2.2.1 **Owner Registration.** Any person becoming an owner of an existing registered rental unit shall file a completed registration form within ninety (90) days of the transaction transferring ownership.
 - 2.2.2 **Rental Registration Form Required Information.** The registration form shall contain the following information:
 - Description of the premises by street number, lot, block, and addition;
 - Name and address of the owner. If the owner is a corporation, the name and address of the statutory agent thereof shall also be provided;
 - The name and address of a managing agent.
 - 2.2.2.1 When a rental unit is owned by more than one individual, or is owned by an entity that is not a natural person, a property point of contact must be designated.
 - 2.2.2.2 The Inspector shall be notified in writing within ninety (90) days of any change of the property point of contact.
 - 2.2.2.3 An owner with a designated managing agent who is found not to be customarily available or able to perform the duties as defined shall designate a different individual who is able to properly fulfill the requirements within ten (10) days of being notified.
- 2.3 **INSPECTION.**

2.3.1 The Inspector shall inspect the rental unit subsequently upon complaint the property has fallen below the minimum standards of this ordinance.

2.3.1.1 The owner is required to pay a 25.00 inspection fee, if an inspection is required due to the property falling below the minimum standards.

2.3.1.2 If a rental unit fails to have repairs completed in the time allowed by this ordinance or if in the previous year (365 days) the rental unit was determined to be unfit per Section 1.11, it shall be re-inspected annually on the anniversary of the registration and inspection until an inspection can be completed without repairs.

2.3.1 **Complaints.** All complaints should be filed in writing and addressed to the Inspector at City Hall, except the complaints related to potentially life or health threatening conditions which can be made in any form. The Inspector shall provide the results of any subsequent inspection to the person filing the complaint with a copy to the owner and/or managing agent. Complaints alleging violation of this ordinance may be filed with the Inspector by any of the following persons:

2.3.2.1 A tenant occupying the property upon which the violation is alleged to exist.

2.3.2.2 The owner of the property.

2.3.2.3 An owner of the property adjoining or immediately across public road, measured by extension of the property lines, from the property upon which the violation is alleged to exist.

2.3.2.4 Any other person who in the opinion of the Inspector is adversely affected by the violation.

2.3.2.5 A city official or officer responding to a Police, Fire, Ambulance, or other legitimate call.

2.4 **Fees for Registration and Business Permit.** Registration and Business Permit fees are established by the City Council and shall be assessed to and paid by each rental unit owner in accordance with this Ordinance. The annual combined registration and Business Permit fee for rental units shall be \$15.00 per unit. The registration and Business Permit fee is due: no later than January 31st of each year.

In the case of an unregistered or newly occupied rental unit the fee is due within 30 days of such occupancy.

If rental unit(s) are not registered within the thirty (30) day period there will be a \$10.00 late registration fee assessed in addition to the original registration fee.

END OF NEW AMENDED LANGUAGE

In no other respect or respects whatsoever, except as set forth in this Ordinance, is the original Ordinance No. 2012-03, in any manner altered or changed.

SECTION 2: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL

Date: 4-20-17

Approved: Russell Stokes, Jr.
Russell Stokes, Jr., Mayor

Attest: Deborah Weichinger
Deborah Weichinger, City Clerk

Rental Housing Permit Application

City of Cherokee Village
Cherokee Village, Arkansas

RENTAL PROPERTIES: Please list all individual rental units and all tenants occupying that unit. If additional space is needed please attach a separate sheet. If there are unit letters/numbers and building names, please include them.

Address: _____ Unit Number/Letter _____
Tenant(s) Name(s) _____ Tenant Phone # _____
_____ Total # of Tenants: _____

Owners Name _____ Phone: _____
Address: _____ City: _____ State _____ Zip _____

Billing/Management Name: _____ Phone: _____
Address: _____ City: _____ State _____ Zip _____

Please note: A rental housing Business Permit will be issued only if all property maintenance codes and zoning regulations are followed and permit fees are paid. The permit is the property of Cherokee Village and may be revoked at any time for violations of the code of zoning regulations. The applicant for a rental permit hereby authorizes the City of Cherokee Village to enter the premises to inspect the structure and grounds to protect the health, safety, and welfare of the occupants. Before any rental property can be occupied in the City of Cherokee Village, the owner or manager of the property must obtain a current and valid rental permit.

I hereby agree I am responsible for keeping the premises maintained in good repair and fit for human habitation; and to either correct or demolish any structure found to be unfit for human occupancy use. Every facility, piece of equipment, utility or service which is supplied to the property by the owner shall be so constructed and/or installed to function safely and effectively, and shall be maintained in satisfactory working condition and shall not be removed, shut off or disconnected in any occupied rental unit, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies or tenants' failure to pay agreed upon services.

I hereby verify that the information submitted herewith is true and correct. I understand that any false statements made may subject me to penalties under the laws of the State of Arkansas. I certify that I am the owner of record for the property listed or that I am authorized by the owner of record to submit this application on the owner's behalf.

The City of Cherokee Village, Arkansas takes no responsibility for any misrepresentation or omission of information presented on this application by the owner(s) or applicant(s).

Owner(s)/Applicant(s) are responsible to pay required fees to City of Cherokee Village plus any additional cost required for-inspections. Failure to fill out application completely could result in an application processing delay. Payment does not guarantee issuance of license; license will be issued upon completion and approval of rental unit(s) inspection(s).

Signature of Applicant: _____ Date: _____