



ORDINANCE 975

REXBURG RESIDENTIAL RENTAL REGISTRATION CODE

AN ORDINANCE ESTABLISHING DEFINITIONS; ESTABLISHING BUSINESS REGISTRATION REQUIREMENTS; STATING THE PURPOSE OF THE ORDINANCE; DEFINING TERMS; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City Council for the City of Rexburg has determined that a significant number of residential rental uses exist within the City Limits; and

WHEREAS, the City of Rexburg has adopted numerous Ordinances in the past intended to regulate such residential rental uses relative to health, safety and welfare; and

WHEREAS, the aforementioned residential rental properties are of numerous types, sizes and legal designations; and

WHEREAS, the City desires to provide for the orderly identifying and tracking of the various residential rental properties within the City Limits; and

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that a registration of all such residential rental properties would be in the best interests of the community and the citizens of the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, AS FOLLOWS:

SECTION I: Purpose. The purpose of this Ordinance is to promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg by identifying all residential rental properties within the City and registering such, and ensuring equal and comprehensive enforcement of existing City rules and regulations. Furthermore, this Ordinance shall provide for a means of tracking the physical facilities associated with each properties in order to maintain consistency from year to year.

SECTION II: Regulations. Within the City Limits of Rexburg, the following rules and regulations shall apply to all residential rental properties as defined in this Ordinance:

GENERAL PROVISIONS

RR.01.010 Citation. This compilation and revision of the general ordinances of the city constitutes the official code of the general ordinances of the city of Rexburg. The ordinance may be cited as the "Rexburg Residential Rental Registration Code."

RR.01.020 It is declared to be the intention of the mayor and the city council that the sections, paragraphs, sentences, clauses and words of this code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the mayor and the city council without the incorporation in this code of any such unconstitutional word, clause, sentence, paragraph or section.

RR.01.030 Title, chapter and section headings. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

RR.01.40 Provisions Considered As continuations of existing ordinances. The provisions appearing in this ordinance, so far as they are the same as those of ordinances existing at the effective date of this code, shall be considered as continuations thereof and not as new enactments.

RR.01.050 Effective date. This ordinance shall become effective "April 01, 2007" upon publication after the passage of this ordinance by the Rexburg City Council.

RR.01.060 Constitutionality. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code shall be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

RESIDENTIAL RENTAL REGISTRATION

RR.02.010 Generally. The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section.

RR.02.020 Apartment or residential rental unit. "Apartment", "Apartment house" or "residential rental unit" means a dwelling unit or suite of rooms that are designed to be occupied for living purposes, rented on a monthly or longer basis.

RR.02.020 City. "City" means the city of Rexburg, Madison County, state of Idaho.

RR.02.030 Employee. "Employee," for the purposes of this chapter, means any person employed by a Business including active owners, managers, active partners and agents, also including sales persons and all persons engaged in or associated directly with the management and operation of the property concerned. The intention is to include as "employees" all persons hired by, or working for the property involved, and to include owners and proprietors within the designation. In case of part -time employees, the number of full -time equivalent employees will be determined by dividing the total number of hours worked by all part -time employees by two thousand eighty.

RR.02.040 Hotel, motel, roominghouse or lodginghouse. "Hotel," "motel," "roominghouse," or "lodginghouse" means any building or buildings containing guest rooms intended to be rented or hired out for sleeping purposes for periods less than thirty (30) consecutive days.

RR.02.050 Mayor. "Mayor" means the mayor of the city.

RR.02.060 Nonprofit organization. "Nonprofit organization" means any religious, charitable, social, educational, or civic group which does not distribute profits or dividends to the members thereof and where profit is not their object.

RR.02.070 Office. "Office" means a room or building in which a person transacts his business or carries on his stated occupation.

RR.02.080 Person. "Person" means a corporation, partnership, company, association, or society as well as a natural person and the agents and representatives thereof.

RR.02.090 Residential Rental. "Residential Rental" means a dwelling unit or suite of rooms that are designed to be occupied for living purpose, rented on a monthly or longer basis.

RR.02.100 Temporary premises. "Temporary premises" means any hotel, roominghouse, storeroom, building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, motor truck, trailer or other vehicle or any public or quasi -public place temporarily occupied for the purpose of transacting business.

RR.02.110 Trailer court or mobile home park. "Trailer court" or "mobile home park" means a tract of land providing two or more mobile home lots for lease or rent to the general public.

RR.02.120 Year. "Year," for general city business registration purposes, means a period of time of twelve months commencing each year on January 1st and ending the last day of December of the same year.

REGISTRATION PROVISIONS GENERALLY

RR.03.010 Registration - -Required. For the protection and general welfare of the inhabitants of the city, every Residential Rental **in excess of one rental unit per parcel** operated within the city comes within the police power of the city, and no person shall engage in the operation of a Residential Rental, Apartment House or Apartment without first registering unless exempt under this Ordinance or exempted by state law. The charge for such registration shall be as fixed in Section RR.03.030 unless otherwise provided in this code. Money received from registration shall be used to defray the expense of issuing the registration and the physical facilities review, regulation and control of Residential Rental, Apartment House or Apartment within the city. This registration requirement is intended to apply to all entities operating a Residential Rental, Apartment House or Apartment within the city unless the entity is otherwise expressly excluded in this chapter from this requirement.

RR.03.020 Registration-Application-Issuance procedure.
The city clerk shall be charged with the collection of all Residential Rental, Apartment House or Apartment registration fees required by the city. The city clerk shall provide an application form in substantially the same format as addendum "A" to this Ordinance for the purpose of facilitating registration. As directed by the city clerk, each applicant for registration shall file with the city clerk an application in writing on the form provided for such registration application.

RR.03.030 Registration-Fees-Schedule. The schedule of fees for registration of a Residential Rental, Apartment House or Apartment shall be set forth in the **Business Registration Fee Schedule**, and may be amended from time to time by Resolution of the Rexburg City Council in accordance with applicable State laws.

RR.03.040 Registration - -Fees - -Refund. If an application for a registration is denied, the fee that accompanied the application shall be returned to the applicant in its entirety except for fees associated with inspection in aid of granting or rejecting the registration.

RR.03.050 Registration - -Term—Proration. All business registrations shall be annual, unless otherwise specified. All applicants for registration shall pay the annual fee irrespective of the point in the year at which the registration is sought.

RR.03.060 Registration - -Separate Registration Required. A registration shall be obtained for each individually identifiable location, irrespective of ownership.

RR.03.070 Business - -Change of ownership. Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the city clerk so that the registration may be transferred.

RR.03.080 Interpretation of provisions - -Unlawful business. The registration provisions of this chapter shall not be construed to grant permission to carry on or conduct any unlawful business, or to operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation, or restriction.

RR.03.090 Right to refuse or revoke registration. Whenever the council deems it in the public interest, it may, by resolution adopted by a majority vote of the members of the council and approved by the mayor, refuse to authorize the issuance of any registration provided for in this chapter, the council may also, upon a majority vote of members of the council and approved by the mayor, revoke any registration issued under this chapter if deemed in the public interest to do so.

RR.04.010 Parking Space Management. Each Residential Rental, Apartment House or Apartment must inventory all approved parking spaces, and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available.

RR.04.020 Parking Space Restrictions. All designation of available parking as referenced in Section RR.040.010 above must have an approved parking space associated with the designation such that if all designated tenants were to park a vehicle there would be adequate spaces. No allowance for absenteeism shall be allowed. For each agreement containing an affirmative designation of parking space, there must be a space.

RR.040.030 Non-Parking Agreements. Any agreement for tenancy in a Residential Rental, Apartment House or Apartment which is not specifically designated as a "Parking Space" agreement, there must be an affirmative statement notifying the parties to the agreement that there is no overnight, on site parking provided in connection with the agreement.

SECTION III: Owner Responsibility. Any owner, employer or other person in charge of a Residential Rental, Apartment House or Apartment, shall be responsible for insuring to the best of their ability that all provisions of this Ordinance are complied with.

SECTION IV: Penalties.

(A) Any person who violates a provision of this chapter shall be guilty of a misdemeanor, and shall be subject to fines or by imprisonment, or by both such fine and imprisonment consistent with Idaho Code, Section 18-113, as amended.

(B) Upon a second conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined no less than One Hundred Dollars (\$100.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

(C) Upon a third or greater conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined no less than Two Hundred and Fifty Dollars (\$250.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 31ST day of January, 2007.

Shawn Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

