

## **ARTICLE V. - NON-OWNER OCCUPIED HOUSING BUSINESS LICENSE<sup>[2]</sup>**

### **Sec. 14-115. - Short title.**

This article shall be known and cited as the Carrollton Township Non-Owner Occupied Housing Business License Ordinance.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-116. - Scope.**

The provisions of this article shall apply to all residential rental properties in Carrollton Township and all accessory uses thereon, including parking lots, driveways, landscaping, accessory structures, fences, walls, interior and exterior common areas, swimming pools, hot tubs, and spas. This section shall not apply to:

- (1) Housing accommodations in hotels, motels, inns or bed and breakfast facilities.
- (2) Housing accommodations in any hospital; state-licensed group homes or adult foster care facilities; convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facility; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school of [for] occupancy by its students.
- (3) Mobile homes located within a state-licensed mobile home park.
- (4) Homes sold by a written land contract. Owner must produce to Carrollton Township written proof of the land contract sale and transfer.

(Ord. No. 2011-01T, § I, 4-25-2011)

### **Sec. 14-117. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized agent* means an individual(s) with legal authority and capable of executing documents for the sale or lease of the dwelling(s) and authority over the proceeds of such sale or lease.

*Business* means and includes all activities engaged in with the object of gain, benefit, or advantage, directly or indirectly, from the operation of rental housing.

**\*Inspector means a licensed builder, certified home inspector, or other qualified person trained in the inspection of residential dwellings who is retained by the owner or authorized agent, at their expense, to perform the required inspection of the residential rental property to determine compliance with the building code, property maintenance code, and any other applicable ordinances.**

*Licensing agent* means the township clerk or such other township official or employee as may be designated by resolution of the township board.

*Owner* means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in Carrollton Township, including all persons shown as owners on the last equalized assessment roll of the assessor's office. Owner includes agents and employees and any persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers and agents and employees.

*Residential rental property* means a parcel of real property upon which a residential rental unit is located.

*Residential rental unit* means a rented, leased, or occupied by person(s) other than the owner, residential dwelling unit within a single-family or multi-residential building. A residential rental unit includes a single-family dwelling, duplex, or a unit in a duplex, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project.

(Ord. No. 2011-01T, § I, 4-25-2011)

## **Sec. 14-118. - Non-owner occupied housing business license required.**

No person exercising ownership or control shall allow a residential rental unit to be occupied by a non-owner without first obtaining a license from the township clerk. A license shall be obtained for each residential rental unit.

Any property or structure required to obtain a license under this article and for which the owner or controller fails to do so immediately upon notice of said violation shall be required to vacate said premises until such time as the necessary license is obtained. In order to obtain a license for a residential rental unit, the owner or local agent shall comply with the following mandatory requirements:

- (1) The owner or local agent shall obtain and complete an application for said license with the township clerk.
- (2) The premises shall comply fully with the requirements of the township zoning ordinance and other applicable ordinances.

- (3) The premises shall not be under current condemnation or order to vacate.
- \*(4) The premises shall be inspected and certified for occupancy by an inspector retained by the owner or local agent. The inspector shall submit a report to the licensing agent.**
- \*(5) The residential rental property shall not be occupied unless approved by the township.**

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-119. - Local agent required.**

Whenever any non-owner occupied housing business license is required, and neither the owner or the operator is a person domiciled within Carrollton Township or a 30-mile radius, the owner shall appoint a person who is domiciled within Carrollton or a 30-mile radius, to serve as the local agent of the owner and the operator for 24-hour emergency contact information and for service of notices. Notices given to the local agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the township clerk of any change of local agent within 15 days of such change.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-120. - Non-owner occupied housing business license application.**

The application shall contain or be accompanied by the following information:

- (1) The address of the residential rental property.
- (2) The unit classification, e.g., single-family, duplex, multifamily, or condominium.
- (3) The name, address and telephone number of the owner and authorized agent for the premises and any other person designated to be contacted in the event of an emergency at the premises.
- (4) A description of any other business operated or to be operated at the same premises.
- (5) The name, address, and telephone number of the owner's agent, representative or property manager responsible for management of the rental property, if different from the owner, or if the owner resides outside a 30-mile radius of Carrollton Township, an owner's agent, representative or property manager who is within a 30-mile radius of Carrollton Township is required.
- \*(6) Inspection report of inspector certifying the residential rental property for occupancy.**

The owner/licensee shall have a continuing obligation to provide the above information as it becomes available and if any information provided changes during the term of the license. The application shall also include an acknowledgement to be signed by the owner/agent/licensee stating that he or she has been informed of the following:

- (1) That the owner/agent/licensee shall be responsible for maintaining the rental property in compliance with all Carrollton Township codes.
- (2) That failure to maintain the rental property in compliance of the Carrollton Township Code may result in enforcement against the owner/agent/licensee by all means available to the township.
- (3) Violation of this article is a civil infraction. In addition, any violation may result in the revocation of a license under [section 14-127](#). The township shall seek all legal remedies, including obtaining injunctive orders to restrain, correct or abate a violation and the costs incurred by the township in correcting a violation, including attorney fees, shall become a lien on the real property upon which the residential rental unit is located.
- (4) That all tenants are provided a lease disclosure letter which provides information regarding township regulations, including:
  - a. Noise ordinance (chapter [22](#), article II);
  - b. Blight elimination (chapter [26](#), article III);
  - c. International Fire Code (chapter [26](#), article II);
  - d. Parking of vehicles (chapter [66](#), article VI).
  - e. That each lease or rental agreement entered for the licensed residential rental unit shall include the following addendum:

#### **CRIME FREE LEASE ADDENDUM**

In consideration of the execution or renewal of a lease of the residential rental unit identified in the lease, Owner and Resident agree as follows:

- (1) Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near said premises. "Drug-related activity" means the illegal manufacture, sale, distribution, use, or possession with the intent to manufacture, sell, distribute, or use of a controlled substance.
- (2) Resident, any member of the resident's household or guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premise.
- (3) Resident or members of the household shall not permit the residential rental unit to be used for, or facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the

household or a guest.

- (4) Resident, any member of the resident's household, or guest or another person under the resident's control shall not engage in any illegal activity including prostitution, criminal street gang activity, threatening, intimidating or stalking, assault, the unlawful discharge of firearms, on or near the residential rental unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.

Violation of the above provisions shall be material and irreparable violation of the lease and good cause for immediate termination of tenancy. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable noncompliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by substantial evidence of the type reasonably relied upon by property managers in the usual and regular course of business.

In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.

This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

## **Sec. 14-121. - Processing of application.**

The township clerk's office shall determine whether the applicant has submitted a complete application for a non-owner occupied housing business license within 14 days of its submission. An application is complete if it has been fully and properly completed in accordance with this section and the nonrefundable fee required pursuant to this section is tendered.

- (1) *Restrictions.* A non-owner occupied housing business license shall not be issued until all fees, including water and sewer charges, delinquent personal property taxes and all other unpaid charges required by all township ordinances are paid in full. Further, no unresolved property maintenance issue shall be present if a non-owner occupied housing business license is issued.
- (2) *Compliance with all laws.* A non-owner occupied housing business license shall not be issued unless the applicant has complied with all township, county, state and federal laws, rules and regulations.
- (3) *Legal under existing law.* A non-owner occupied housing business license shall not be issued by the licensing agent where the existing or

proposed rental housing unit would be illegal under any law or ordinance of the township.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-122. - Non-owner occupied housing business license fee.**

The application for a non-owner occupied housing business license, including any renewal thereof, shall be accompanied by a nonrefundable fee in an amount established by the Carrollton Township Board. The fee shall be based on the number of residential units owned by the owner/operator. The non-owner occupied housing business license fee shall be used to defray the costs of processing, training and enforcement.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-123. - Duration of non-owner occupied housing business license; renewals; late fees.**

The non-owner occupied housing business license issued under this article shall be effective until March 31<sup>st</sup> of the following year in which issued. Licenses not renewed within 30 days of the March due date shall, in addition to the required fee, pay a late fee in the amount established by the Carrollton Township Board.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-124. - Transfer of non-owner occupied housing business license.**

A non-owner occupied housing business license may be transferred by the holder to any other person upon submission of an updated non-owner occupied housing business license application.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **\*Sec. 14-125 – Inspections – Right of Entry**

- (1) **All buildings or structures and properties containing such buildings or structures within the scope of this ordinance and all construction or work for which a permit is required shall be subject to inspection by the township, in accordance with and in the manner provided by this ordinance, the building code, the plumbing code, the mechanical code, the electrical code, and the general code of the township. Further, the township reserves the right to inspect buildings and structures within the scope of this ordinance on a periodic basis due to complaints,**

registration/license requirement, or other reasons as permitted by law.

- (2) Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the township has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes the building or premises unsafe, dangerous, or hazardous, the township may enter the building or premises at all reasonable times to inspect them or to act to enforce this ordinance. If the building or premises is occupied, the township shall first present proper credentials and request entry. If the building or premises is unoccupied, the township shall first make a reasonable effort to locate the owner or authorized agent having charge or control of the building or premises and request entry.
- (3) When the township has requested entry as provided above, no owner, authorized agent, or occupant or any other persons have charge, care, or control of any building or premises, shall fail or neglect to promptly permit entry therein by the township for the purpose of inspection pursuant to this ordinance. If entry is then refused, the township shall have recourse to every remedy provided by law to enforce this ordinance.

### **Sec. 14-126. - Failure to obtain a non-owner occupied housing business license.**

Failure to obtain a non-owner occupied housing business license will result in the issuance of a civil infraction citation by the township.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

### **Sec. 14-127. - Non-owner occupied housing services provided by the township.**

Owners and authorized agents who have obtained a non-owner occupied housing business license are entitled to the following services by the Carrollton Township:

- (1) The township will maintain a listing of all licensed non-owner occupied housing properties for lease on our website.
- (2) Our police department and code enforcement officers can assist the property owner through the eviction process.
- (3) The clerk's office will maintain an emergency contact list for all licensed non-owner occupied housing properties.

(Ord. No. 2011-01T, § I, 4-25-2011; Ord. No. 2013-06, § I, 12-9-2013)

## **Sec. 14-128. - Revocation and/or suspension.**

In the event of any noncompliance with the provisions of this article after a license has been issued, the licensing agent may take one or more of the following actions to remedy the violation:

- (1) The license may be revoked by order of the licensing agent until the noncompliance has been corrected.
- (2) A civil infraction may be imposed. In addition to a civil infraction all violations shall constitute a nuisance per se and may be abated by injunctive or other equitable relief. Each day that a violation continues is a separate offense.
- (3) The licensing agent and other departments within the township may develop a written agreement with the "owner" to stay further action while the owner addresses outstanding issues.

The licensee may appeal all revocations to the township board, which, for cause shown, may uphold the revocation, or reinstate the license after giving the licensee reasonable notice and after holding a hearing, at which licensee shall have an opportunity to be heard. In the event of revocation, the license fee shall not be refunded.

(Ord. No. 2011-01T, § I, 4-25-2011)