

ORDINANCE NO. 2014-53

AN ORDINANCE AMENDING CHAPTER 18 BUSINESSES, ARTICLE VI RESIDENTIAL RENTAL PROPERTY, SECTION 18-101 REGISTRATION OF RESIDENTIAL PROPERTY.

WHEREAS, it is vital to the public health, safety and welfare of the residents of the Town of Griffith that residential rental property be registered so as to maintain oversight of landlords;

WHEREAS, there have been adopted new statutes imposing restrictions upon a local unit of government's ability to regulate residential rental property;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 18 Business, Article VI Residential Rental Property, Section 18-101 be amended and replaced in its entirety so that is hereafter reads as follows:

Sec. 18-101. - Registration of residential property.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this article:

Dwelling unit shall mean the abode of a family or a single unit providing complete, independent facilities for the exclusive use and enjoyment of a family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest shall mean a person who is a temporary resident (less than 25 percent of the time) of a dwelling unit and does not utilize the dwelling unit as a legal address for any purpose.

Occupancy shall mean adhering to use standards and occupant load as required by local, state and federal statutes.

Occupant shall mean a person occupying a dwelling unit, other than a guest, or using the property as a legal address for any purpose.

Person shall include a corporation, firm, partnership, association, organization, company, limited liability company, or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense includes the future, and the singular includes the plural.

Rental housing shall mean any room or suite of rooms forming a single, separate habitable unit to be used for living, or for living and sleeping; but not for cooking and eating purposes.

Rooming unit shall mean a room or suite of rooms forming a single, separate habitable unit to be used for living, or for living and sleeping; but not for cooking and eating purposes.

Owner shall mean the legal title holder or holders of the realty, except (1) if legal title is held by an Indiana land trust, owner shall mean the beneficial owner or owners of the trust; and (2) if there is a purchaser or purchasers under a real estate installment sales contract, owner shall mean the purchaser or purchasers. The singular shall include the plural throughout. For the purpose of subsection (b)(2)a., the owner shall mean legal title holder(s), beneficial owner(s) and contract purchaser(s) of the realty.

(b) *Registration required.*

- (1) The owner or owners of real property in the Town of Griffith, which real property is used as rental housing, shall be required to register all such properties (i) not later than 30 days of obtaining title to rental housing real property; or (ii) as further provided in this Ordinance. The registration forms shall be available at the office of the Town

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Building Department. The Building Department shall issue a Town Certificate for Rental Housing upon the proper filing of a registration form.

(2) The registration forms shall include the following information:

- a. The name, street address and telephone number of each owner of the rental property. If the owner is a partnership, corporation, or voluntary unincorporated association, the statement shall further include the name, street address, telephone number and position of a responsible partner or officer. If the owner is a corporation, the statement shall further include the name, street address and telephone number of the registered agent thereof;
- b. The name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement code. This person must maintain an office in Lake County, Indiana, or must actually reside within Lake County, Indiana. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent;
- c. The name, street address and telephone number of the owner's agent for the purpose of managing, controlling or collecting rents and any other person not an owner who is controlling such property, if any;
- d. The name, street address and telephone number of each lending institution of party holding a mortgage on the property, if any;
- e. The street address and property key number(s) of the rental property, and the number of family units therein; and

For the purposes of this section, a post office box does not suffice as an address.

(c) *Certificate required.* It shall be unlawful for any person to let to another for occupancy rental housing without a current, unrevoked Town Certificate for Rental Housing such rental housing at the specific location set forth thereon.

(1) The certificate shall be valid until not more than 30 days after any of the information provided in the registration form for that Certificate has become inaccurate, at which time the Owner is in violation of this Ordinance.

(d) *Amended registration.* The owner of a rental housing required to register with the building department under subsection (b) of this article shall notify the building department, within 30 business days, of any change in the registration information by filing an amended registration statement on a form provided by the building department for such purpose.

(e) *Registration records.* The building commissioner shall maintain the building registration records. These records shall consist of the registration information obtained under subsection (b) through (f) of this section. This information is solely and exclusively gathered and maintained by the town for administrative enforcement proceedings and law enforcement purposes. This information, with the exception of information provided in response to subsection (b) of this section, shall be held as confidential information not open to the public and shall be exempt from public disclosure under the Indiana Freedom of Information Act pursuant to Indiana Revised Statutes, Chapter 5-14-3-4, Sections 4, and shall only be provided to authorized Town officials and employees and their agents. Notwithstanding anything to the contrary herein, the building commissioner may, upon written request, disclose whether a rental housing is

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registered under the provisions of subsection (b) and, if not registered, whether a waiver or registration has been issued for the rental housing.

(f) *Enforcement.*

- (1) The building commissioner shall in the name of the town bring action in the Lake County Court, Division III, for mandatory and injunctive relief in the enforcement of and to secure compliance of any violations of the provision of this article and recover any penalties or relief available in law or in equity.
- (2) The building commissioner may refuse to issue any permits required under this Code for any construction, alteration, installation, razing or other work done in or on any rental housing or any certificate or occupancy required under this Code for such a rental housing, unless the owner(s) or other applicant for such permit(s) or certificate(s) presents either a current certificate of registration or a waiver of registration for the rental housing.
- (3) A certificate in force may be suspended or revoked, entirely or in part, upon finding conditions or practices pertaining to such rental housing are in continuing violation of the building, health and/or fire codes of the town.

(g) *Notice of code violations.* By designating an authorized agent under the provisions of subsection (b)(2)b., the owner is consenting to receive any and all notices of code violations concerning the registered rental housing and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered rental housing by service of the notice or process on the authorized agent.

- (1) Any owner who has designated an authorized agent under the provisions of this ordinance shall be deemed to consent to the continuation of the agent's designation for the purposes of this article until the owner notifies the building department of a change of authorized agent or until the owner files a new annual registration statement to.
- (2) Any owner who fails to register a rental housing under the provisions of this article, shall further be deemed to consent to receive, by posting at the rental housing, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the rental housing.

(h) *Severability.* If any section, subsection, paragraph, sentence, clause or word of this article shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not effect the other sections, subsections, paragraphs, sentences, clauses or words of this article, and the applications thereof; and to that end the sections, subsections, paragraphs, sentences, clauses and words of this article shall be deemed severable.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

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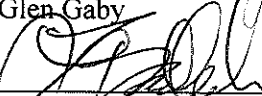
NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect after is passage and posting in accordance with IC 36-5-2-10.

PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this 16th day of December, 2014.

COUNCIL MEMBERS OF THE TOWN OF
GRIFFITH, LAKE COUNTY, INDIANA



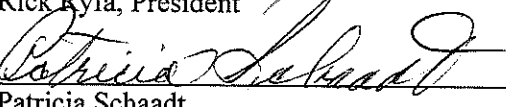
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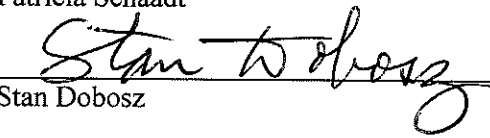
Larry Balfah



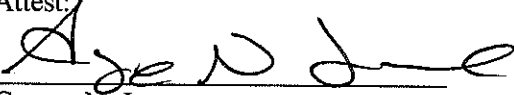
Rick Ryfa, President



Patricia Schaadt



Stan Dobosz

Attest:


George N. Jerome
Clerk-Treasurer