

## ORDINANCE NO. 7785

### AN ORDINANCE ADOPTING A RENTAL REGISTRATION PROGRAM FOR THE CITY OF LEAVENWORTH

**WHEREAS**, the purpose of this ordinance is to require and establish a rental registration program for the City of Leavenworth and to set forth procedures for the administration of the same. It is determined that a rental registration program will promote the common good by providing information that will be helpful in assisting with law and code enforcement throughout the community; and

**WHEREAS**, it is not the intention of the City to intrude upon contractual relationships between tenants and landlords. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to hear complaints by landlords or tenants which are not specifically and clearly related to the provisions of this Article.

### NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

#### **Section 1: RENTAL REGISTRATION.**

The provisions of this Article shall apply to all rental dwellings, including rented single-family and multi-family dwellings and rented dwelling units in owner-occupied dwellings.

1. A one (1) time registration shall be filed per owner of all property in which rental dwellings exist providing all property is titled under the same name; and
2. If the owner of the property in which rental dwellings exist is titled under different names, each property titled differently will be required to submit additional registrations; and
3. The City shall have the authority to exercise its powers under this Article, including the power to enforce or to declare one or more of owner's rental dwellings in violation of this Article.

The provisions of this Article shall not apply to hotels, motels, and bed and breakfast facilities licensed by the State of Kansas, convents, monasteries, parish houses or rectories, mosques, temples, churches, synagogues, hospitals, licensed nursing homes or assisted living facilities subject to inspection by other government agencies, jails, and residential dwelling units owned and operated by any housing authority.

#### **Section 2: REGISTRATION.**

The owner of each rental dwelling shall make written application of registration to the City Clerk's Office all residential dwellings beginning April 1, 2009. The owner of each rental dwelling shall have six (6) months for compliance. In addition, other than during the initial implementation of this Article, the owner of any rental dwelling constructed or converted to rental usage shall make written application to the City for registration as herein provided prior to initial occupancy. No application shall be considered without payment of a \$20 fee. If the owner of each rental dwelling fails to register the rental property by October 1, 2009 the registration fee will be \$40. Such application shall be made on a form furnished by the City for such purpose and shall set forth the following information:

- A. Owner's name, street and mailing address, and telephone number. If the owner is a partnership or limited liability company, the name of the entity and the name, residence address, and telephone number of the managing partner or member shall be provided. If the owner is a corporation, the name and address of the corporation and the name, residence address, and telephone number of the chief operating officer shall be provided. Further, a post office box is not acceptable for any such address as required in this section. A street address must be provided for any such person. In cases where the owner of a rental dwelling resides more than 40 miles outside of the City of Leavenworth, Kansas, the owner shall designate a resident agent
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who shall reside within a 40-mile radius of the corporate limits of the City of Leavenworth, Kansas. That registered agent's name, street and mailing address, and telephone number must be included on the application. The registered agent shall be jointly and severally responsible with the owner for:

- i. The upkeep and maintenance of the premises;
  - ii. Compliance with this Article and all other Codes regulating the premises; and
  - iii. Acceptance of service of process and of all notices under this Article.
- B. Manager's name, street and mailing address, and telephone number. If some person other than the owner, manager or agent is actively involved in and responsible for the maintenance and management of the premises, that person's name, street and mailing address, and telephone number must be given in the application.
- C. Address identifying location(s) of the rental dwelling owned by the owner.
- D. Number and type of rental units in building (dwelling units, rooming units or shared bath units).
- E. The name, address, street and mailing address, and telephone number of the person designated as responsible for maintaining a current register of all tenants and other persons with a lawful right of occupancy to a rental dwelling.

### **Section 3: DUTIES OF LICENSEE.**

- A. Every owner of a residential rental property shall notify the City in writing of any changes of information contained in the last registration filed within thirty (30) days of the changed information.

### **Section 4: REGISTRATION REQUIREMENT; PENALTY.**

- A. Owners must declare all properties owned that are rented or intended to be rented.
- B. No person shall allow any dwelling units in the city to be occupied or rent to another for occupancy unless the owner has first registered under the terms of this Article. This applies to people who allow to be occupied or rent to another for occupancy at the time this Article is implemented.
- C. Failure to comply with any term of this Article shall be unlawful. The minimum penalty for a registration violation will be \$150. Each day that a person fails to comply as required by this ordinance shall constitute a separate offense. Fines and penalties shall be consistent with the City of Leavenworth "Uniform Offense Code".

### **Section 5: REMEDIES IN THIS ARTICLE ARE NOT EXCLUSIVE.**

The remedies provided in this Article are not exclusive. They are in addition to and do not supersede or pre-empt other remedies such as a declaration of being unsafe or dangerous, written violation orders and warnings and criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this Article do not supersede or affect the legal rights and remedies of tenants provided under State law or this Code.

### **Section 6: DEFINITIONS.**

When used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Article:

**DWELLING:** A building or structure or portion of a building or structure designed for or used for human habitation, including any rental unit or rooming unit.

**DWELLING UNIT OR UNIT:** Any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and sleeping facilities or rooming unit.

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**OPERATOR/MANAGER:** Any person who, alone or jointly or severally with others, shows rental dwelling units to prospective tenants and/or enters lease agreements on the owner's behalf and/or receives rent from tenants.

**TENANT/OCCUPANT:** Any person living, sleeping, cooking or eating at or actually having possession of a rental dwelling, dwelling unit or a rooming unit.

**OWNER:** Any person who, alone or jointly or severally with others:

A. Has legal title to any building with or without accompanying actual possession thereof; or

B. Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or

C. Has possession or right to possession under a contract for deed.

**PERSON:** Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

**PREMISES:** The building in which the unit is located and all land appurtenant to such building.

**REGISTERED AGENT:** The person designated by the owner to be the agent required by Section 2 of this Article.

**RENTAL HOUSING COMPLEX:** Any residential rental units of any nature or character on one property or on adjacent property under common ownership.

**UNIT:** Any dwelling unit or rooming unit.

### **Section 7: INTERPRETATION**

A. Liberal Construction: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Invalidity: If for any reason any chapter, article, section, subsection, sentence, portion or part of the proposed Ordinance set out, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Code or other ordinances.

**Section 8:** That the provisions of this Ordinance shall become effective April 1, 2009.

**Section 9:** That this Ordinance shall take effect upon adoption and publication in the official City newspaper as provided by law.

Passed by the Leavenworth City Commission on this 25th day of November 2008.

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**Lisa Weakley, Mayor**

ATTEST:

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**Karen J. Logan, City Clerk**

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