

Sponsor: _____
First Reading: 12/2/2024
Second Reading: 12/16/2024
Third Reading: 1/21/2025

ORDINANCE #~~18~~-24

AN ORDINANCE TO AMEND CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE XI (RENTAL PROPERTIES) TO REQUIRE RENTAL LICENSES AND RENTAL INSPECTIONS AND CERTIFICATES OF OCCUPANCY FOR RENTAL UNITS OCCUPIED BY INDIVIDUALS RELATED TO THE PROPERTY OWNER

WHEREAS, pursuant to Section 4.2.25 of the Town Charter, the Town Council is authorized to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;”

WHEREAS, not requiring rental licenses and rental inspections and certificates of occupancy for rental units occupied by individuals directly related to the property owner has created enforcement issues for the Town; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, unless another exception applies, it is in the best interest of the public health, safety, and welfare to require licenses and rental inspections and certificates of occupancy for rental units that will be occupied by persons directly related to a property owner.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Smyrna Town Code be and hereby is amended as follows:

Section 1. Amend Chapter 18 (Buildings and Building Regulations), Article XI (Rental Properties), by making insertions as shown by underline and deletions as shown by strike through, as follows:

Sec. 18-402. Rental license required; exceptions; application and fee.

- (a) No dwelling unit may be leased, subleased, or occupied by any person other than the owner until a rental license has been issued by the town.
- (b) Exceptions.
 - (1) No rental license shall be required where the owner occupies the dwelling unit.
 - ~~(2) No fee shall be charged if the occupant provides written verification that they are directly related to the owner.~~
- (c) Application. Application for a rental license shall be on forms provided by the town and signed by at least one co-owner of the subject property. Such forms shall require, among other information:

- (1) The name, address and telephone number of each owner;
 - (2) The address of the unit(s);
 - (3) The maximum occupancy of each unit which shall not exceed the maximum allowed by town ordinance;
 - (4) The name, address, and telephone number of the "caretaker" and "alternate caretaker" as required under section 18-406.
 - (5) Certification that the owner will provide the tenant(s)/occupant(s) with written notice of the conditions of the occupancy agreement required by section 18-404.
- (d) Fee. The annual fee for a rental license shall be as set forth in the fee schedule per unit per calendar year, payable in advance at time of application. Rental license fees are payable by the first day of each calendar year. Licenses applied for and paid for in December of any year shall be issued for the following calendar year.

Sec. 18-403. Rental certificate of occupancy; inspections; exceptions; fee.

- (a) *Rental certificate of occupancy required before re-occupancy.* No rental unit shall be occupied after a vacancy by any person other than the owner ~~or persons related directly to the owner~~ unless a rental certificate of occupancy has been issued by the town as herein provided.
- (b) *Inspection; rental certificate of occupancy.* No rental certificate of occupancy shall be issued until an inspection shall have been conducted by the town to ensure ~~insure~~ that the dwelling unit is in substantial compliance with the building, plumbing, housing, electrical, fire, and property maintenance codes of the town. After notification of vacancy by the owner, the town will conduct the inspection within five working days. A rental unit shall be deemed to be not in substantial compliance if:
- (1) There are one or more violations which pose a serious and substantial threat to the health, safety or welfare of the occupants; or
 - (2) There is an extensive number of minor violations which, cumulatively, pose a significant threat to the health, safety, welfare or morale of the occupants.

It is the intent of this article, and the code enforcement official shall be guided accordingly, that the greater the cumulative number of violations observed in a rental unit, the less serious any of them must be to result in a determination that a unit is not in substantial compliance; and conversely, the more serious the violations, the fewer there need be to result in a determination that a rental unit is not in substantial compliance.

- (c) *Exceptions.* No rental certificate of occupancy and no inspection shall be required for any of the following:
- (1) Any rental unit occupied by the owner ~~or by persons directly related to the owner~~;
 - (2) Any rental unit for which a certificate of occupancy has been issued within the past 12 months following construction or substantial reconstruction of such rental unit;
- Provided however, anything in this article to the contrary notwithstanding, where any dwelling unit otherwise excepted from the requirement of a rental certificate of

occupancy and inspection is determined to be in significant violation of any town building, housing, electrical, plumbing, fire or property maintenance code, such dwelling unit shall not thereafter be reoccupied after the first vacancy following such determination until a rental certificate of occupancy shall be issued following an inspection as provided herein. "Significant violation" for purposes hereof shall mean violations which because of their seriousness or because of their extensive number, in the aggregate, pose a significant threat to the health, safety, welfare or morale of the occupants.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

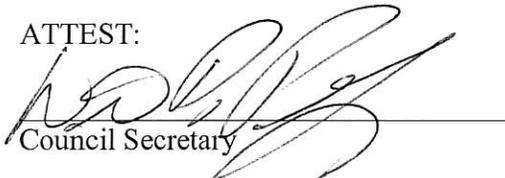
Section 3. Effective Date. This Ordinance shall become effective upon the date of its adoption.

SYNOPSIS

This ordinance requires rental units occupied by someone directly related to the property owner to obtain a rental license and a rental inspection and certificate of occupancy.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on January 21, 2025.

ATTEST:


Council Secretary


Mayor

This shall certify that the title and synopsis of this Ordinance was published in a newspaper of general circulation within the Town on December 11, 2024 and posted at the Town Hall on December 2, 2024.

So Certifies:


Town Clerk