

Chapter 5.17. Regulatory Business Licensing of Landlords of Rental Dwellings.

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5.17.010. Definitions.

In addition to the definitions set forth in Section 5.02.020 of this Title, the following words and phrases used in this chapter shall have the meanings prescribed in this section:

- A. **Landlord** means a person, persons, and/ or legal entity, or a landlord's agent who rents to tenants one or more legally established dwelling units.
- B. **Rental Dwelling** means a building or portion of a building used or designated for use as a legally established dwelling unit and is arranged, designed, or built and is available to be rented, loaned, leased, or hired out for a period of one (1) month or longer

5.17.020. Purpose.

- The purpose of this chapter is to accomplish the following:
- A. to promote public health, safety and welfare by requiring rental dwellings to be safe and fit for human occupancy,
 - B. to ensure that all rental dwellings were established legally and constructed compliant with the building code at the time of establishment,
 - C. to provide contact information, through licensing, for each rental dwelling to allow problems to be resolved expeditiously and,
 - D. provide consistency with licensing of all other businesses in the city by requiring licensing of owners who rent dwellings.

5.17.030. License Required.

- A. It is unlawful for any person to keep, conduct, operate or maintain a rental dwelling within the City without a business license. A person who owns multiple-rental dwellings or multiple buildings containing rental dwellings is not required to obtain more than one (1) business license for the operation and maintenance of those rental dwellings.
- B. An agent of a landlord shall not perform services of a landlord unless the landlord is licensed in conformance with this Chapter.
- C. A business license for landlords is not transferable. Any person holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any rental dwelling. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a business license as required by this Chapter.
- D. A business license shall not be required for a dwelling unit which is ordinarily owner-occupied but is temporarily rented because:
 - 1. the owner is placed in a hospital, nursing home, assisted living facility or other similar facility, or
 - 2. the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exception.
 - 3. As used in this subsection owner occupancy means:
 - a) a natural person who possesses fifty (50) percent ownership or more in the dwelling and said dwelling is the primary residence of such person; or
 - b) a family trust created for the primary purpose of estate planning by one (1) or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

5.17.040. License Application.

An application for a business license shall conform to the requirements of Section 5.02.060 of this Title and shall include the following additional information:

- A. the address of each rental dwelling which is owned, operated or maintained by the applicant;

- B. the occupancy status of each rental dwelling unit;
- C. the number of parking spaces provided on the premises;
- D. the name, address, and both home and business telephone numbers of the owner or an agent, residing in the State of Utah, who is authorized by the owner for service of process;
- E. the signature of the owner of the rental dwelling(s) certifying, to the best of the owner's knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable ordinances.

5.17.050 License Procedure.

- A. A landlord business license shall be issued pursuant to the requirements of this Title except as modified by this Chapter.
- B. A landlord or his agent shall declare, at the time of application, all rental dwellings and locations owned or managed by the landlord.
- C. An evaluation will be conducted for each rental dwelling to determine eligibility for a landlord business license. Eligibility for a landlord business license will be determined on the basis of the following criterion:
 - 1. rental dwelling(s) are located within zoning districts which allow the same type of occupancy and residential uses, and;
 - 2. any remaining rental dwelling(s) which do not meet the conditions of criteria one (above) shall have been determined legally existing nonconforming (grandfathered). Those rental dwellings that are not eligible for licensing based on grandfathered status will be required to apply for grandfathered status. A temporary business license will be issued to the landlord or his agent for no longer than six months while the grandfathering application is being processed. An additional extension of the temporary business license may be granted by the Director of Community Development only if the volume of applications has not allowed city staff to make a determination on the application.
- D. A business license shall be issued to the owner when all application and eligibility requirements of this chapter and other applicable ordinances have been fulfilled.

5.17.060. License Fee.

- A. The fee for a landlord business license shall be as set forth in the Consolidated Fee Schedule adopted by the Municipal Council.
- B. The business license fee shall be paid in advance for one (1) year and shall be due and payable on or before the anniversary date of owner's application for business license. A license shall be delinquent if paid after said date in the year for which it is due.
- C. The city may chose to have a voluntary Good Landlord Program where a portion of the licensing fee may be used to inform landlords and managers of improved management practices and to educate about city codes pertinent to rental housing. Fees will be collected by the city as set forth in the Consolidated Fee Schedule and a designated portion may be used by the city to purchase training and materials to promote better rental practices.

5.17.070. Effect of License Issuance.

The issuance of a landlord business license shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

- A. legalizing an illegally created dwelling unit, use, or other circumstance, or
- B. recognizing a nonconformity.

5.17.080. License Denial, Suspension, or Revocation.

An application for a landlord business license may be denied, suspended, or revoked for any of the following reasons:

- A. The applicant does not meet the qualifications for a license as provided in this Title.
- B. For a new application, nonpayment and return of a check for the required license fee. For a renewal application, nonpayment of the required license fee plus any penalty assessed for late payment.
- C. An application contains false or incomplete information.
- D. The rental dwelling does not comply with applicable Health Department regulations governing the premises, or any city, state or federal law.
- E. For an existing license, the licensee has allowed the licensed premises to be occupied, operated or maintained in a manner contrary to the conditions set forth in the license, this Title or any other law.

5.17.090. Minimum Requirements.

Each rental dwelling shall meet the zoning and building code requirements for installation, maintenance, and operation in effect at the time the rental dwelling was legally permitted.

5.17.100. Inspections.

Inspections of rental dwellings may be conducted pursuant to Section 5.02.090, Logan Municipal Code.

- A. The City or other authorized agency shall be permitted to make an inspection of any rental dwelling unit to enforce any of this title or any other applicable statute or ordinance if the a rental dwelling or group of rental dwellings has a recorded and valid complaint against a rental dwelling or group of rental dwellings. Complaints may be submitted by any person including a city employee.
- B. Except in emergencies, as determined by the city, the business license official shall make a reasonable effort to make an appointment with the owner or other responsible person at least one week in advance of the inspection. The owner or other responsible person shall inform the occupant(s) of the rental dwelling of the appointed time of inspection. If an appointment cannot be arranged after a reasonable effort or if the appointment is not attended by the owner or other responsible person, an inspector or other authorized agent of the city may enter the building or may enter upon the premises during regular business hours if an occupant consents to the inspector entering the property.
- C. No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to insure compliance with this title. If the property owner or other responsible person refuses to allow an inspection, the business license official or their designee may obtain and execute an administrative search warrant.

5.17.110. Effective Date.

The provisions of this Chapter shall take effect on July 1, 2010, after which no rental dwelling shall be rented, loaned, leased, or hired out for a period of one (1) month or longer without a valid business license.

5.17.120 Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor and may also be subject to enforcement action pursuant to section 17.60 of the Logan City Administrative Enforcement Code.