

CITY-COUNTY GENERAL ORDINANCE NO. , 2014

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code by adding a new Chapter 851 establishing the Indianapolis-Marion County Landlord Registration Program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. "The Revised Code of the Consolidated City and County" is hereby amended by adding a new Chapter 851, to read as follows:

**CHAPTER 851 - INDIANAPOLIS-MARION COUNTY
LANDLORD REGISTRATION PROGRAM**

Sec. 851-101. Program established.

The Indianapolis-Marion County Landlord Registration Program is hereby established.

Sec. 851-102. Authority.

Effective June 30, 2014, House Enrolled Act No. 1403 (2014) allows political subdivisions to establish and enforce registration and inspection programs for rental units within the political subdivision, subject to certain conditions and limitations.

Sec. 851-103. Definitions.

- (a) "Landlord" has the meaning set forth in IC 32-31-3-3.
- (b) "Owner" has the meaning set forth in IC 32-31-3-4.
- (c) "Person" has the meaning set forth in IC 32-31-3-5.
- (d) "Rental agreement" has the meaning set forth in IC 32-31-3-7.
- (e) "Rental unit" has the meaning set forth in IC 32-31-3-8.
- (f) "Rental unit community" has the meaning set forth in IC 36-1-20-1.5 (effective June 30, 2014).
- (g) "Manager" means any person, not the record owner, who has possession and control of the property, or who has the right to possession and control of the property, or the responsibility for maintenance of the property.

Sec. 851-104. Registration Program.

(a) Beginning on July 1, 2014, all owners or landlords of rental units within the county must register with the Department of Code Enforcement ("DCE") on a form prescribed by DCE. The registration form shall include the following:

- 1) the name, telephone number, and address of the owner(s);
- 2) if the owner is not an Indiana resident, the name, telephone number, and address of an Indiana resident who is the manager for the rental units;
- 3) an affirmation that the rental units, and any other property titled or registered under the same owner, are not in violation of any applicable Code requirements;
- 4) an affirmation that there are no delinquent taxes or fees owed on this property, or any other property titled or registered under the same owner;
- 5) a form rental agreement, if one exists;

- 6) an affirmation that a standard list of tenant rights provided by DCE will be given to any tenants occupying the property at the onset of each new lease agreement; and
- 7) a statement of the number of rental units on each separate parcel of real property covered by the registration.

(b) Beginning on January 1, 2015, an owner or landlord of a rental unit must pay to DCE an initial registration fee of five dollars (\$5). Only one registration fee is required for all rental units in a rental unit community. If a rental unit is not part of a rental unit community, a separate registration fee must be paid for each separate parcel of real property on which a rental unit is located, unless they are all registered at the same time.

(c) In the event of a change of ownership, the new owner must, not later than thirty (30) days after the change of ownership, pay the registration fee of five dollars (\$5) and provide updated registration information to DCE.

(d) After the initial registration, an owner or landlord must, on an annual basis, either verify that the initial information has not changed, or update the information as needed. There is no fee for this annual renewal.

(e) Upon submission of an acceptable registration form, DCE shall issue a permit to the rental unit's owner or landlord. Only one (1) permit is required for a rental unit community. A permit does not expire unless there is a change of ownership of the real property.

Sec. 851-105. Inspection Program.

(a) Although no proactive inspection program will be implemented at this time, tenants will be given a standard list of tenant rights and may contact DCE regarding compliance issues.

(b) Notwithstanding IC 36-1-20-4.1(c), DCE may inspect a rental unit if it receives a complaint that the rental unit does not comply with applicable Code requirements. If an inspection of a rental unit reveals a violation of applicable Code requirements, the owner of the rental unit may be subject to a penalty as provided in Section 851-107 of this Chapter.

Sec. 851-106. Landlord Registration Fund.

There is hereby created a special fund, to be designated as the "Landlord Registration Fund." This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in this fund all fees assessed and collected pertaining exclusively to a rental unit or rental unit community. This fund shall be dedicated solely to reimbursing the costs actually incurred relating to the imposition and amount of the fee.

Sec. 851-107. Penalties and Enforcement.

(a) Failure to submit the initial registration form by January 1, 2015 as required by Section 851-104 is subject to admission of violation and payment of a civil penalty for each rental unit community in violation in an amount provided in Section 103-52 of the Code.

(b) Failure to update the registration within 30 days of a change in ownership as required by Section 851-104 is subject to admission of violation and payment of a civil penalty for each rental unit community in violation in an amount provided in Section 103-52 of the Code.

(c) Failure to allow inspection of a rental unit as required by Section 851-105 is subject to admission of violation and payment of a civil penalty in an amount provided in Section 103-52 of the Code.

(d) In addition to civil penalties, DCE may seek injunctive relief to enforce the provisions of this Chapter.

(e) The penalties allowed under subsections (a) through (c) may not be imposed until after:

- 1) reasonable notice has been given to the owner or the owner's designee;

- 2) passage of a reasonable time, which must be stated in the notice, for the violation to be cured; and
- 3) failure of the violation to be cured within the time stated in the notice.

SECTION 2. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding civil penalties for ordinance violations is hereby amended by the addition of the underscored language, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
293-321	Failure to file economic statement of interest--First offense	50.00
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
407-103	Loitering--First offense in calendar year	50.00
407-201	Unlawful fireworks use, ignition or discharge--First offense	100.00
431-108	Parking prohibited for street repairs and cleaning	20.00
431-314	Premises address violation--Second offense in calendar year	25.00
431-602	Bicycles--Second violation in a twelve-month period regarding children under twelve	50.00
431-603	Unlawful operation of bicycle--First violation in a twelve-month period	50.00
431-604	Unattended bicycle or bicycle not in operation—First violation in a twelve-month period	50.00
431-604	Unattended bicycle or bicycle not in operation—Second violation in a twelve-month period	100.00
431-604	Unattended bicycle or bicycle not in operation—Third violation in a twelve-month period	200.00
431-702	Prohibited activity in roadways--First violation in twelve-month period	25.00
431-703	Interference with vehicular traffic--First violation in twelve-month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-374	Bicycle path or lane—First violation in a twelve-month period	50.00
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
441-503	Consumption or possession by operator of motor vehicle--First offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages--First offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large--First offense in twelve-month period	50.00
531-202	No dog or cat permanent identification--First offense	50.00
531-202	No dog or cat permanent identification--Second and subsequent offenses	100.00
531-301	No dog or cat antirabies vaccination--First offense	100.00
531-302	No antirabies vaccination tag on dog or cat--First offense in twelve-month period	25.00
531-302	No antirabies vaccination record for feral cat colony--First offense in twelve-month period	25.00
611-403	Unlawful loading or unloading of private bus	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00
611-502	Violation of noise restriction on food vendors	15.00

611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curbside of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00
621-118	Unlawful parking of commercial vehicles at night	20.00
621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--First offense in a twelve-month period	50.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--Second offense in a twelve-month period	250.00
621-221	Parking in parking meter space when prohibited	20.00
621-226	Parking in excess of maximum time permitted in parking meter space	20.00
621-227	Expired parking meter	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center--Non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours--First offense in calendar year	50.00
631-109	Alcohol in park--First offense in calendar year	50.00
645-528	Skateboard or similar play device--First offense in calendar year	50.00
706-105	Water conservation violation--First offense in twelve-month period	100.00
706-105	Water conservation violation--Second offense in twelve-month period	250.00
730-505	Civil zoning violations--First offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
811-704	Second faulty fire alarm in twelve-month period	25.00

811-704	Third faulty fire alarm in twelve-month period	50.00
811-704	Fourth faulty fire alarm in twelve-month period	75.00
851-107(a)	Failure to submit initial landlord registration form	500.00
851-107 (b)	Failure to update the landlord registration upon change in ownership	100.00
851-107(c)	Failure to allow inspection of rental unit	100.00
875-702	Construction activity without required license, listing or registration – First offense in twelve-month period	250.00
Ch. 895	Horse-drawn carriage violation--First offense in twelve-month period	100.00
Ch. 903	Pedal cab violation--First offense in twelve-month period	100.00
931-305	Excessive parking charge at commercial parking facility--First offense in twelve-month period	100.00
996-77	No monthly taxicab certificate--First offense in twelve-month period	25.00
996-123	Failure to maintain public vehicle for hire--First offense in twelve-month period	25.00
996-124	Taxicab operator dress code violation--First offense in twelve-month period	25.00
996-126	Failure to display licenses or fare schedule--First offense in twelve-month period	25.00
996-138	Taxicab operator exceeding limitation on hours--First offense in twelve-month period	25.00

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, or July 1, 2014, whichever is later.

SPONSORS: Barth, Miller, Adamson
DRAFTED: Biesecker