

AN ORDINANCE ESTABLISHING A LANDLORD LICENSING REQUIREMENT IN THE CITY OF PLEASANTON, KANSAS, AND REPEALING ORDINANCE NO. 1974.

Section 1. Chapter 8 of the Code of the City of Pleasanton, Kansas is hereby amended by the addition of an Article 8, entitled "Landlord Licensing", which shall read in its entirety as follows:

"Chapter 8

ARTICLE 8- LANDLORD LICENSING

8-801 a) It is hereby declared that there exist within the town rental housing units, which by reason of their operation, use or occupancy affect or are likely to affect the public health, safety and general welfare of the city.(b) It is further declared that the purpose of the ordinance codified in this chapter is to protect the health, safety and general welfare of the citizens of the city by requiring the licensing of owners of rental housing units as well as the registration and regulation of all rental housing units which are or shall be in the existence in the city.

8-802 The following definitions shall apply in the interpretation and enforcement of this chapter: "Clerk" means the person elected to serve as the city clerk or any deputy or employee appointed by the clerk with the approval of the city council or the City Administrator. "Code" means any provision in the Pleasanton Municipal Code. "Code enforcement officer" means an officer specifically designated by the city of Pleasanton to enforce the Pleasanton Municipal Code. "Landlord" means an owner of rental housing units. "Landlord license" means a license that is issued to a landlord by the City Administrator of the city of Pleasanton upon evidence of completion of a Landlord License Application, and which is valid for one year. "Landlord license application" means the application for a landlord license. "Manager" means a person employed by or on behalf of the owner to operate, maintains and conducts the business of the landlord. "Nuisance" means a condition, conduct, or activity on real property that is: (1) injurious to health; (2) indecent; (3) offensive to the senses; or (4) an obstruction to the free use of property; so as essentially to interfere with the comfortable enjoyment of life or property. "Owner" means the legal title holder or holders of the realty, except: (1) if legal title is held by a trust, "owner" means 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" means the purchaser or purchasers; and (3) the manager if authorized to act on behalf of the owner for purposes of this chapter. The singular shall include the plural throughout. "Person" means and includes an individual, corporation, firm, partnership, association, organization, company, or limited liability company. "Property management action plan" means a plan agreed to by the City Administrator and the landlord to bring the rental unit into compliance with the applicable codes listed herein. "Registered agent" means an agent of the owner or

landlord who lives within Linn County, Kansas or has been designated as the registered agent. "Rental unit" or "rental housing unit" means any apartment, house, duplex, condominium, or room in a rooming house that is not owner-occupied which is let or intended to be let to a person for compensation. "Rental unit application" means the application which the landlord completes in order to obtain a rental unit permit for each rental unit owned by the landlord. "Rental unit permit" means an annual permit issued by the City Administrator to a landlord following the filing of a permit application form and the appropriate inspections required by this chapter. "Rental unit inspection fee" means a fee paid by the landlord when said landlord has challenged the results of the initial City inspection of a rental unit and the resulting professional inspection has concurred with the initial City inspection. Said fee shall be paid before a rental unit permit is granted and shall be equal to the total cost to the City of said professional inspection. "Rooming house" means any building used for living and sleeping in which a person or persons are housed with no individual kitchen facilities provided. "State" means the state of Kansas. "Tenant" means any person, other than the owner, entitled to occupy a rental unit under a lease agreement to the exclusion of others. "City Administrator" means the person employed by the city council to be the administrative head of the city.

- 8-803 (a) An owner of a rental unit must obtain a landlord license from the city before the owner permits occupancy of such rental unit. It is unlawful for any owner without a landlord license to lease a rental unit. For those owners of currently occupied rental units at the time of passage of this chapter, a landlord license must be obtained within ninety days of the date of passage of this chapter. (b) Procedure for Obtaining Landlord License. (1) Landlord License Application. Each owner of a rental unit shall file a landlord license application with the City Clerk. All landlord license applications shall be submitted to the City Clerk on forms prescribed by the City Administrator and maintained on file in the City Clerk's office. Upon receipt of a landlord license application, the City Clerk shall forward such form or information to the City Administrator for his or her review, in accordance with this chapter. The landlord license application shall require the owner to give the following information under oath: (A) Names, address, telephone number and e-mail address of the owner; (B) Registered agent's name, address, telephone number and e-mail address if applicable; (C) Name, address, telephone number and e-mail of on-site management company or individual, if different from the owner; (D) The names of partners or corporate officers and their office addresses if applicable; (E) The length of time the business has operated in the city or the state; (F) If the owner is a corporation, a certificate from the Secretary of State certifying that the applicant is a corporation in good standing under the laws of the state and is certified to do business in the state; (G) Whether or not the owner or any partner or corporate officer has been denied a license or had a license revoked or suspended in connection with maintaining, operating, or conducting the business of a landlord in the city or state; (H) Whether or not the owner or any partner or corporate officer has been convicted of a felony in

connection with maintaining, operating, or conducting a business or commercial activity;(l) A statement that the owner agrees to conduct, maintain and supervise all rental units and the surrounding premises owned by the owner so as to not create a nuisance, or permit conduct or activity at the rental unit or on its premises that endangers the public health and welfare;(l) A statement that the owner certifies that the landlord license application is accurate and does not contain any material omissions and/or materially false or misleading information.

(2) Issuance of Landlord License. Upon receipt of the completed landlord license application, and subject to all other requirements of this Article, the City Administrator shall issue the landlord license to the owner.(3) Amended Landlord License Application. If at any time the information contained in the landlord license application changes materially before the filing of a new landlord license application, the landlord shall update the landlord license application. Failure to update the landlord license application shall be a violation of this chapter.

(c) Restrictions of the Landlord License. A landlord license shall be valid for one calendar year. The initial license shall be valid for whatever portion of the calendar year remains at the time the application is filed. A landlord license is nontransferable. A landlord license, in and of itself, shall not be interpreted as granting the owner the privilege of letting the structure for residential occupancy, but must be accompanied by a valid rental unit permit for each unit.(d) Renewal of the Landlord License. At the expiration of the landlord license, the owner may renew the landlord license by submitting another landlord license application. A renewal of the landlord license may not be refused without cause.(e) Grounds for Denial of Landlord License Applications. The City Administrator may deny any landlord license application if he/she determines that any or the following events have occurred or conditions exist: (1) The owner has failed to provide all the information requested on the landlord license application pursuant to subsection (b)(1) of this section;(2) The owner has failed to pay all the required fees and penalties pursuant to this chapter;(3) If the owner is a non-natural person, the applicant is not organized under the laws of the state of Kansas, controlled by the laws of the state or is not authorized and qualified to engage in business in the state;(4) The owner has refused inspection of a rental unit and its premises by public authorities acting pursuant to law;(5) The owner has obtained the landlord license or rental unit permit through fraud, collusion or illegality;(6) The owner or any partner or corporate officer has been denied a license or had a license revoked in connection with maintaining, operating, or conducting the business of a landlord in the city or state;(7) The owner or any partner or corporate officer has been convicted of a felony in connection with maintaining, operating, or conducting a business or commercial activity;(8) The owner has materially or substantially failed to comply with a property action management plan;(9) The owner has failed to remediate any material statutory or code violations of any rental unit;(10) The application or any previous application for a landlord license filed by an owner contains any material omissions and/or materially false or misleading

information;(11) Any rental unit and/or the premises of the owner are conducted or maintained in such a manner as to create a nuisance, or threat to the public health or general welfare;(12) The owner has been determined to be aiding, abetting, encouraging, permitting, harboring, or engaging in criminal conduct or criminal activities in any of his rental units or on any of the owner's rental unit premises; or(13) The owner, or any partner or corporate officer of the owner or the manager, of the premises sought to be operated under the landlord license has failed to comply in any material respect with any city ordinances, or state law applicable thereto, so that such failure to comply resulted in or may result in the endangerment of the tenant's or general public's health, safety and welfare. If the City Administrator believes there is reasonable cause to deny a landlord license application, the City Administrator shall issue written notice of the denial to the owner with the specific grounds for such denial. The City Administrator shall return the landlord license fee, if paid, to the owner whose application was denied. The owner may appeal the determination of the City Administrator to the city council as set forth in Section 8-105 of this chapter.

(f) Revocation of the Landlord License. The City Administrator may revoke a landlord license at any time.

The City Administrator may revoke a landlord license if he/she determines that any of the following events have occurred or conditions exist: (1) The landlord is a non-natural person and is no longer authorized or qualified to engage in business in the state;(2) The landlord has refused inspection of a rental unit and its premises by public authorities acting pursuant to law;(3) The landlord has obtained the landlord license or rental unit permit through fraud, collusion or illegality;(4) The owner or any partner or corporate officer has been denied a license or had a license revoked or suspended in connection with maintaining, operating, or conducting the business of a landlord in the city or state;(5) The owner or any partner or corporate officer has been convicted of a felony in connection with maintaining, operating, or conducting a business or commercial activity;(6) The landlord has materially or substantially failed to comply with a property action management plan;(7) The landlord has failed to remediate any statutory or code violations of any rental unit;(8) A landlord license application filed by an owner, including required updates, contains any material omissions and/or materially false or misleading information;(9) Any rental unit and/or premises of the landlord are conducted or maintained in such a manner as to create a nuisance which threatens the public health or general welfare;(10) The landlord has been deemed to be aiding, abetting, encouraging, permitting, harboring, or engaged in criminal conduct or criminal activities in any of his/her rental units or on any of his/her rental unit premises;(11) The landlord has failed to pay any outstanding penalties or fees that have been outstanding for ninety days;(12) The owner, or any partner or corporate officer of the owner, of the premises sought to be operated under the landlord license has failed to comply in any material respect with any city ordinances, or state law applicable thereto, so that such failure to comply resulted in or may result in the endangerment of the tenant's or general public's health, safety and welfare. If the City Administrator believes there is reasonable cause to revoke a

landlord's license, the City Administrator shall issue written notice of the revocation with the specific grounds for the revocation. The owner may appeal the revocation to the city council as set forth in Section 8-105 of this chapter.

- 8-804 (a) Rental Unit Permit Required. It is unlawful for any owner to let a rental unit to a person for occupancy unless there is a valid rental unit permit issued for such rental unit pursuant to this chapter. A landlord must register annually each of his/her rental units on or before the expiration date of the prior rental unit permit each year by filing a rental unit permit application with the City Clerk. An owner must apply for a rental unit permit for each rental unit within ninety days of the effective date of the ordinance codified in this chapter or within thirty days of obtaining title to a rental unit. Rental Unit Permits shall be valid for one calendar year. The initial Rental Unit Permit shall be valid for that portion of the calendar year remaining at the time of the initial application. All Rental Unit Permits shall expire on the final day of the calendar year.
- (b) Procedure. All rental unit permit applications shall be submitted to the City Clerk on forms prescribed by the City Administrator and maintained on file in the City Clerk's office. Upon receipt of a rental unit permit application, the City Clerk shall forward such application or information to the City Administrator for his or her review, in accordance with this chapter.
- (c) Rental Unit Permit Application. The rental unit permit application shall include and state, under oath, the following information: (1) Name, address, phone number, and e-mail address of the owner;(2) Name, address, phone number, and e-mail address of the manager;(3) Proof of a valid landlord license issued by the city;(4) Street address of the rental unit, or detailed listing of all rental units containing the street address and unit number of all rental units at the owner's complex;(5) A statement that the owner agrees to conduct, maintain and supervise all rental units and the surrounding premises owned by the owner so as to not create a nuisance, or permit conduct or activity at the rental unit or on its premises that endangers the public health and welfare;(6) A statement that the owner certifies that the rental unit application is accurate and does not contain any material omissions and/or materially false or misleading information. For purposes of this section, a post office box does not suffice as an address. One rental unit permit application may be submitted for all rental units, as identified by exhibit, containing the above-referenced information and a separate rental unit permit fee for each rental unit.
- (d) City Inspection. (1) Upon each vacancy or change of occupants in the rental unit, and before new or different tenants shall occupy the unit, the landlord shall notify the City Administrator, and the building inspector, the code enforcement officer and any other governmental agencies as required by the City Administrator, may inspect the rental unit as directed by the City Administrator, to verify zoning and to ensure that the rental unit complies with the applicable provisions of the code. An inspection is not required prior to the issuance of the rental unit permit.(2) The landlord shall be notified of a date and time that the inspection will take place. (A) A search warrant may be obtained to inspect the rental

unit, to the extent the landlord does not consent to an inspection.(B) No rental unit having a rental unit permit shall be inspected more than once a year unless a substantiated complaint has been received from a city citizen or the City Administrator has reasonable cause to believe a violation of the code exists.

(B) Each Landlord shall be provided a check list of sections of the Minimum Housing Code that will be covered in the inspection.

(3) No fee shall be charged for this City inspection.

(4) The officer with the department charged with the duty of making an inspection shall make a report thereon, favorable or otherwise, to the City Administrator within ten days after completing the inspection. The report shall specify all violations of the code.

(5) If the landlord believes the initial City inspection report is incorrect in deficits it has identified in the rental unit, the landlord may appeal the report in writing to the City Administrator, who shall schedule an inspection by a professional building inspector. If the professional inspection upholds the findings of the initial City inspection, the landlord shall be assessed an inspection fee equal to the cost to the City of the professional inspection. This fee shall be paid in full prior to the issuance of a rental unit permit.

(6) In lieu of the initial City inspection described herein, the City Administrator may accept written evidence that the rental unit in questions has been inspected and approved within the previous 90 days by a qualified Inspector in behalf of the Department of Housing and Urban Development.

(e) Issuance of Rental Unit Permit. Upon receipt of a rental unit application and the Rental Unit Inspection Fee, if applicable, the City Administrator shall issue a rental unit permit for each rental unit set forth in the permit application complying with this chapter and not in violation of subsection (h) of this section. A rental unit permit shall be valid for one calendar year, except that the initial rental unit permit shall be valid for that portion of the calendar year remaining at the time of the initial issuance of the permit. A rental unit permit issued pursuant to this section is renewable on or before the expiration of such permit, and all renewal permits shall be dated on, or as of, the date the permit would have otherwise expired. (f) Amended Registration. If at any time the information contained in the rental unit application materially changes before the filing of the annual rental unit permit application, the landlord shall update the rental unit permit application. No fee shall be required to update the rental unit permit application. Failure to update the rental unit permit application shall be a violation of this chapter.(g) Property Management Action Plan. (1) If after inspection, violations of the code exist, the landlord shall be cited for the violations by the inspecting officer. If after ten days following the citation, the violations continue, the City Administrator shall meet with the landlord to develop a property management action plan to bring the rental unit into compliance by a specified date. The property management action plan may concern, but is not limited to the following issues: (A) Providing a habitable dwelling;(B) Observing

occupancy limits;(C) Maintaining electrical systems meeting code requirements;(D) Maintaining plumbing systems meeting code requirements;(E) Maintaining heating and cooling systems meeting code requirements;(F) Maintaining proper fire protection systems;(G) Eliminating health and safety hazards;(H) Improving or providing for the security of the premises; or(I) Requiring regular inspections if problems with the rental unit occurs regularly.

(2) If the landlord fails to take action either by: (i) not meeting with the City Administrator; (ii) not implementing the property management action plan; or (iii) not completing the property management action plan by the required date, the landlord shall be in violation of this chapter.(3) If the tenant of the rental unit is impeding the landlord from complying with the code, the City Administrator shall meet with the landlord and the tenant to develop a property management action plan.(4) Upon compliance with the property management action plan , the City Administrator shall issue or reissue the rental unit permit.

(h) Denial or Suspension of a Rental Unit Permit. An application for a rental unit permit may be denied, or a rental unit permit may be suspended, by the City Administrator if the City Administrator determines that any of the following events has occurred or conditions exist: (1) The rental unit permit was obtained through fraud, collusion or illegality;(2) There is a material and substantial noncompliance with the property management action plan;(3) The landlord has failed to remediate code violations;(4) The rental unit permit application filed by the landlord contains material omissions and/or materially false or misleading information;(5) The rental unit subject to the permit and/or its premises are conducted or maintained in such a manner as to create a nuisance, or threat to the public health or general welfare;(6) The rental unit subject to the rental unit permit and/or its premises has been determined to be aiding, abetting, permitting, harboring, or used in criminal conduct or criminal activities; or(7) The owner's landlord license has been suspended or revoked in accordance with this chapter. Before a rental unit permit may be suspended, the City Administrator shall give written notice of the suspension to the landlord with the date of suspension effective thirty days from the date of the notice. The suspension will remain in effect until all fees and penalties have been paid and the rental unit is in compliance. A denial or suspension may be appealed to the city council as set forth in Section 8-105 of this chapter.

(l) Notice. Notice of all violations of the Minimum Housing Code or of any other city regulations of codes, as well as notice of any proceedings under this act, shall be served in person or by first class mail on both the resident of the rental unit and on the Landlord.

(j) Revocation of a Rental Unit Permit. A rental unit permit may be revoked after three suspensions or if the suspension remains in effect for ninety days. A revocation of a rental unit permit may be appealed to the city council as set forth in Section 8-105 of this chapter.

8-805 Whenever an owner wishes to appeal any decision of the City Administrator: (i) refusing to issue or renew a landlord license; (ii) suspending or revoking a landlord license; (iii) refusing to issue or renew a

rental unit permit; or (iv) suspending or revoking a rental unit permit, the owner must first appeal to the city council in compliance with the procedures set forth herein.(a) An owner may request in writing an informal hearing to dispute the determination of the City Administrator, within ten days after receiving notice of: (i) a refusal to issue or renew a landlord license; (ii) a suspension or revocation of a landlord license; (iii) a refusal to issue or renew a rental unit permit; or (iv) a suspension or revocation of a rental unit permit. The written request to dispute the determination must be filed with the City Clerk. The City Clerk shall notify the city council.(b) Following notification, the city council shall:(1) Set the appeal for a hearing;(2) Set a time, date, and location for such hearing; and(3) Notify the owner and the City Administrator of the hearing time, date, and location at least ten working days prior to the hearing.

(c) The hearing shall be conducted by the city council or its designated officer; provided however, that the City Administrator shall not conduct such hearing.(d) The owner shall bear the burden of proof that the City Administrator's decision should be vacated. The City Administrator or person appointed by the City Administrator may present evidence at the hearing which supports the City Administrator's decision.(e) Following a hearing, the city council may overturn or confirm the City Administrator's determination. The decision of the city council or hearing officers or his/her appointees shall be final and the decision, together with reasons thereof, shall be delivered in writing within thirty working days from the close of the hearing to the person taking the appeal with a copy delivered to the City Administrator who shall keep all decisions on file in the City Administrator's office.(f) All decisions shall become effective upon delivery to the City Administrator.

8-806 Any person who violates any provision of this chapter shall be subject to a fine of not more than one hundred dollars per day for each violation. Each day that a violation continues shall be a separate offense."

Section 2. Ordinance No. 1974 is hereby repealed.

Section 3. This ordinance shall become effective upon its approval and publication on the City web site and newspaper publication of a summary of the ordinance.

ORDAINED THIS 8th DAY OF JANUARY, 2013.

MAYOR

ATTEST:

CITY CLERK