

STATE OF SOUTH CAROLINA
TOWN OF SPRINGDALE
ORDINANCE O-20-07

AN ORDINANCE PROVIDING FOR CHAPTER 5: BUILDINGS AND BUILDING REGULATIONS, ARTICLE XIII: RENTAL HOUSING REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL UNITS LOCATED WITHIN THE TOWN OF SPRINGDALE

WHEREAS, The Town of Springdale recognizes there has been a significant growth in the number of rental units within the Town of Springdale that are located in single family housing units; and

WHEREAS, The Town of Springdale recognizes the need for a registration program for residential rental units located within the Town of Springdale in order to improve compliance of rental units with all applicable building, property maintenance, fire, health, safety, and zoning codes; and

WHEREAS, The Town of Springdale seeks to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Town of Springdale; and

WHEREAS, The Town of Springdale recognizes that the most efficient system is the creation of a program requiring the registration of residential rental units within the Town of Springdale as defined in this ordinance;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Springdale, SC that:

Section 1: Definitions

As used in this Ordinance, the terms and words listed below shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) ***Dwelling unit:*** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation
- (b) ***Landlord:*** Any person, business, organization, or other entity managing or renting property means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (c) ***Owner:*** The legal title holder of a rental unit or the premises within which the rental unit is situated.
- (d) ***Owner-Occupied Rental Unit:*** A rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- (e) ***Person:*** Any individual, firm, partnership, association, joint stock Company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (f) ***Premises:*** A lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (g) ***Rental unit:*** Dwelling units or residential structures containing sleeping units, which are leased or rented from the owner or other person in control of such units, to any

tenant, whether by day, week, month, year or any other term. The term does not include hotel, motel, dorm, medical or long term care facilities, bed and breakfast establishments.

- (h) **Responsible local agent:** A natural person having his or her place of residence within 50 miles of the Town of Springdale and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the Town.
- (i) **Tenant:** Any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.
- (j) **Town:** The Town of Springdale

Section 2: Requirements

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Town to be occupied unless all of the following requirements have first been met.

- (1) The owner of the rental unit shall have registered the rental unit with the Town by completing and filing a current registration form
- (2) A business license will be required only if the owner of the rental unit manages/rents two or more single-family residential units or the owner's gross receipts from rental units is equal to or greater than \$12,000 annually.
 - a. If the property is owned by an individual and managed by a property management company, both the owner and the property manager will be required to obtain a business license. The fee would be based on the percentage of their gains from the total profit to equal 100%.

Section 3: Registration

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Town to be occupied without first registering the rental unit with the Town designating a responsible local agent.

(a) *Registration Forms.*

Registration shall be made upon forms furnished by the Town and shall require at a minimum the following information.

- (1) The street address and tax identification number of each rental unit;
- (2) The number and type of rental units within the rental property at each street address;
- (3) Name, residence address, telephone number, and where applicable an e-mail address of all property owners of the rental unit(s);
- (4) Name, residence address, telephone number, and where applicable an e-mail address of the responsible local agent designated by the owner;
- (5) The maximum number of tenants permitted for each rental unit;
- (6) The name, address and telephone number of the person, if any, who holds a lien on the rental unit or the real property on which the rental unit is located
- (7) The signature of the property owner / chief executive officer and the responsible local agent, if applicable.

(b) *Accurate and Complete Information.*

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by both the property owner(s) and the designated responsible local agent, if applicable. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(c) *Change in Registration Information or Transfer of Property.*

Except for a change in the registered local agent, the property owner of a rental unit registered with the Town shall update registration information within thirty (30) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall register or update registration information on the rental unit within thirty (30) calendar days following the transfer of the property. Property owners shall notify the Town of any change in the designation of the registered local agent, including a change in name, address, e-mail address, or telephone number of the designated registered local agent within five (5) business days of the change.

(d) *Registration Term and Renewals.*

The initial registration shall be required by April 15, 2021. All registrations shall expire on December 31st of each year. Renewals will be required by April 15 of each year thereafter. There shall be no fee for the registration but a penalty may be imposed for late registrations.

(e) *Responsible Local Agent.*

The rental property owner or designated local agent, if applicable, shall be responsible for all of the following:

- (1) Operating the registered rental unit in compliance with all applicable Town Ordinances;
- (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Town Ordinances;
- (3) Accepting all legal notices or service of process with respect to the rental unit.

Section 4: Responsibility for Property Maintenance Codes

Rental property owner(s) and the responsible local agent, if applicable, shall be solely responsible for insuring compliance with all property maintenance codes including but not limited to the International Property Maintenance Code. Additionally, pursuant to Section 5-25-1310 of the South Carolina Code of Laws (1976) as amended, all rental units must be equipped with smoke detectors. Failure to abate violations after notice shall result in enforcement action against the rental property owner(s) or responsible local agent if applicable.

Section 5: Notice Procedure

Notices of violation to registered rental property owner(s) or the responsible local agent, if applicable, shall be:

- (a) In writing and include a description of the property.
- (b) Include a descriptive statement of the violation and required corrective action.
- (c) State the compliance and appeal period described in Section 7.

- (d) Be delivered personally or by first-class mail to the rental property owner(s) or responsible local agent, if applicable, at the last address furnished as part of the registration process.
- (e) The Town may elect but is not required to provide supplemental notice by e-mail and facsimile.

Section 6: Reduction in Notice Requirements

The standard notice, appeal and compliance periods stated in all property maintenance codes adopted by the Town, including the International Property Maintenance Code, shall be reduced to seven (7) days for registered rental properties. The only exception to this provision shall apply to Notices of Condemnation proceedings.

Section 7: Inspections.

The Town reserves the right to inspect rental units. Nothing in this section shall preclude the inspection of dwellings

(a) *Basis for Inspections.*

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.

- (1) A complaint received by the Town indicating that there is a potential violation of the standards or the provisions of any Ordinance adopted by the Town;
- (2) An observation by the Town of a violation of the standards or the provisions of any Ordinance adopted by the Town;
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (4) The need to determine compliance with a notice or an order issued by the Town;
- (5) An observed condition or condition reasonably believed to exist deemed dangerous to human life or public welfare;
- (6) Requirements of law where a dwelling is to be demolished by the Town or where ownership is to be transferred to the Town.

(b) *Inspection Procedures.*

- (1) If a basis for inspection is established under Section 8(a), the owner and/or responsible local agent will be notified in writing by the Town of the desired time and place of the inspection.
- (2) In the event that the alleged violation appears to be a clear and imminent threat to human life, safety or public welfare as determined by the Town, the owner and/or responsible local agent will be contacted to schedule an immediate inspection. If code violations are found to exist, immediate compliance with adopted Building, Property Maintenance, Zoning or other applicable codes, will be required.
- (3) If the alleged violation is not a clear and imminent threat to human life, safety or public welfare, the owner will have ten (10) calendar days to correct such violation unless otherwise authorized in writing by the Town, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

Section 8: Fees

Town Council shall establish by ordinance, pursuant to Section 6-1-330 of the South Carolina Code of Laws (1976) as amended, an appropriate fee for registration and penalties if applicable.

Section 9: Maintenance of Records.

All records, files and documents pertaining to the Rental Registration shall be maintained by the Town and made available to the public as allowed or required by State law.

Section 10: Penalty.

Upon determination that a property owner has failed to obtain a registration, a late registration fee shall be assessed at \$100.00.

Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Effective Date. This ordinance shall become effective immediately upon second reading.

DULY ADOPTED THIS _____ day of _____, 20____ under the corporate seal of the Town of Springdale.

First Reading: September 1, 2020

Second Reading:

Introduced by: Councilmember Viki Fecas

Ordinance No.: O-20-07

Michael Bishop, Mayor

Leeann Eden, Municipal Clerk