

(Published in the Galena Sentinel-Times January 27, 1993)

ORDINANCE NO. 93-1

AN ORDINANCE DESIGNED TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF GALENA, KANSAS BY REQUIRING THAT ALL RESIDENTIAL RENTAL HOUSING, INCLUDING MOBILE HOMES, MEET CERTAIN MINIMUM STANDARDS OF FITNESS AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

Section 1: It shall be illegal for any person or entity to rent or offer to rent any residential rental housing, including mobile homes, within the city limits of Galena, Kansas unless said person or entity holds a currently valid Fair Rental Certificate issued by the city and covering said property.

Section 2: Residential rental housing, including mobile homes, means any structure or part of a structure which is rented to a person or persons for use as a home, residence or sleeping place by one or more persons.

Section 3: Residential rental housing, including mobile homes, shall not include:

(a) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(b) occupancy under a contract of sale of a dwelling unit or the property of which it is a part, but only if the records of Cherokee County Register of Deeds show that the occupant is the owner of the property;

(c) occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(d) transient occupancy in a hotel, motel or rooming house;

(e) occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in or about the premises;

(f) occupancy under a rental agreement covering premises used by the occupant primarily for agriculture purposes.

Section 4: A Fair Rental Certificate shall be valid for twelve months from the date the residential rental housing, including mobile homes, passed an inspection conducted by the City Building Inspector. The Certificate shall show:

(a) Name and address of property owner;

(b) Address of property;

(c) Date property passed inspection;

(d) Statement that the property was in compliance with all applicable state and local laws and ordinances on safe housing;

(e) Signature of Building Inspector.

Section 5: The fee for the inspection and the issuance of the Certificate shall be \$Ten (\$10) Dollars, which shall be

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paid to the Galena City Clerk when application is made for the Certificate. Said fee shall not be refunded for any reason. A separate fee shall be charged for each separate dwelling.

- Section 6: If the Building Inspector, upon examining the premises, finds any conditions in violation of any applicable state and local laws on safe housing, he shall immediately give a written report of the problems to the landlord or his agent. It shall be the responsibility of the landlord or his agent to be immediately available to receive the report. If the landlord or his agent are not immediately available, the Building Inspector shall leave a copy of the report with the tenant or on the premises and shall mail a second copy to the last known address of the landlord. No Fair Rental Certificate shall be issued until the violations are corrected.
- Section 7: If the premises inspected are occupied by a tenant and fail the inspection, the Building Inspector shall, in addition to issuing his report, cite the landlord for a violation of this act. If the landlord or his agent shall not be available to accept the citation, a summons shall be mailed to his last known address requiring him to appear in Municipal Court.
- Section 8: If the landlord, within seven days of the citation, excluding Saturdays and Sundays, corrects the condition or conditions so that a Fair Rental Certificate is issued, the Building Inspector shall cause the citation to be dismissed.
- Section 9: It shall be illegal and a violation of this ordinance for the landlord to request or receive any consideration for renting or leasing any residential rental housing, including mobile homes, which is not covered by a valid Fair Rental Certificate, and each day for which consideration is received or requested shall be a separate violation of this ordinance.
- Section 10: It shall be a violation of this ordinance for a landlord to refuse to rent to any person because that person complained to the City of a violation of this ordinance.
- Section 11: It shall be a violation of this ordinance for a landlord to attempt to shift, by contract or otherwise, the liability of landlord to maintain the residential rental housing, including mobile homes, of landlord in a safe condition.
- Section 12: For the purpose of this ordinance, the term "landlord" shall include:
- (a) Any person or entity shown to have an interest in the property, except as a mortgagee or lienholder, by virtue of the records of the Cherokee County Register of Deeds.
 - (b) Any person who requests or receives any consideration for allowing another person to use or occupy residential rental property.
 - (c) Any person who has any ownership interest in residential rental property, including mobile homes, by virtue of an instrument or writing which is not recorded with the Cherokee County Register of Deeds.
 - (d) Any person who acts for and in place of a landlord, whether for compensation or not.

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Section 13: When more than one person acts as landlord in relation to a certain property, all can be charged with separate violations of this ordinance for the same incident.

Section 14: Any person convicted of a violation of this ordinance shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each separate violation.

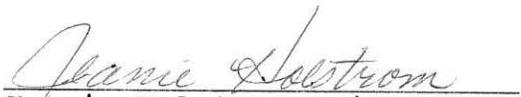
Section 15: Any tenant of residential rental housing, including mobile homes, who believes his landlord is in violation of this ordinance may request that the premises be inspected by the Building Inspector at any time. If the Building Inspector finds the premises to be in violation of this ordinance, he shall immediately revoke any Fair Rental Certificate covering the premises and issue the appropriate report and citations.

Section 16: The Office of the City Clerk shall maintain a file showing duplicate copies of all Fair Rental Certificates in effect. The City Clerk shall mail a notice to the landlord by first class mail three months prior to the expiration of any certificate. It shall be the responsibility of the landlord to keep the City Clerk informed of his current mailing address.

Passed by the City Council and approved by the Mayor, this 19th day of January, 1993.


Roy Watkins, Mayor

ATTEST:


Jeanie Holstrom, City Clerk

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