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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 150 BUILDING: RENTAL HOUSING.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 150.176 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.176 DEFINITIONS.

For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL RENTAL UNIT. Any building or structure including the real property upon which it is located, which is rented or offered for rent as living quarters. It does not mean homes that qualify for owner-occupied classification under SDCL 10-13, on-campus housing, hospital units, nursing home units, or hotels or motels with daily rental units, all of which shall be exempt from any requirements of this subchapter.

SHORT TERM RENTAL UNIT. A residential rental unit that is rented for 28 consecutive days or less.

Section 2. That Section 150.177 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.177 PERMIT REQUIREMENTS

(a) No residential rental property owner shall allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental unit within the city that has not been permitted as residential rental unit by the city. All owners of a residential rental unit shall have filed a permit application with the city. Failure to make truthful disclosures of the information required under division (b)(5) below, or if the information disclosed reveals three or more health, nuisance or other code violations resulting in citations and fines payable to the city within the previous three calendar years, shall be cause for the city to elect to deny the permit. Application for permit for a residential rental unit shall be made on forms furnished by the city. A residential rental property owner and/or the designated agent shall notify the city in

writing within ~~15~~30 calendar days after any change to the information provided on the application.

(b) The application and supporting forms shall require the following information:

(1) Name, mailing address and phone number of the property owner, ~~and, if the owner is not a natural person, the name, address and phone number of a designated agent for the owner;~~

(2) ~~If the property owner does not reside fifty (50) miles from Sioux Falls city limits, the~~ name, phone number and mailing address of the responsible party, who shall reside within Minnehaha or Lincoln counties, and be any person authorized to make or order repairs or services for the property; if in violation of city ordinances or state law, ~~if the person is not the owner;~~

(3) The street address of the residential rental unit;

(4) The number and type of units; i.e., dwelling units or sleeping rooms; and

(5) Whether the owner or responsible party as defined by § 40.002 of this Code, have, within the previous three calendar years, been in violation and failed to make timely corrections of health, nuisance or other code violations, excluding any notices or violations issued pursuant to § 96.100 or §§ 94.041, 94.043 and 94.044 of this Code, to any property or properties in any municipality, including the city.

Section 3. That Section 150.178 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.178 PERMIT REVOCATION.

(a) Each permit may be revoked upon the city's issuance of any notice of a fourth health, nuisance or other violation when the permit holder has been subject to three health, nuisance or other code violations resulting in citations and fines payable to the city within the previous three calendar years, excluding any notices or violations issued pursuant to § 96.100 or §§ 94.041, 94.043 and 94.044 of this Code, as to any property in the city.

(b) No action revoking a permit pursuant to this subchapter for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances. The chief building services official or any other person appointed by the mayor shall have the authority to revoke any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance.

(c) Appeals from a decision revoking a permit for a residential rental unit shall be pursuant to the appeals process of the International Property Maintenance Code and §§ 30.040 through 30.046 of this Code. No action revoking a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.

(d) Once revoked, an owner of a residential rental unit in the city shall make an application for a renewal permit. A permit or renewal permit shall not be issued until completion of the following:

(1) Abatement of any health, nuisance or other code violation at the property;

(2) Satisfactory city inspection and approval of the dwelling unit's habitability; and

(3) Payment of all outstanding code enforcement citations issued by the city to the owner or responsible party for the subject property.

Section 3. That Section 150.179 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.179 CORRECTION OF DEFECTS AND ENFORCEMENT.

Whenever the city determines that a residential rental unit, ~~whether permitted or not~~, has failed to meet the requirements of any applicable city ordinance, the city shall proceed with enforcement as provided within the applicable ordinance. The city may also proceed to revoke or suspend any permit issued for a residential rental unit for serious and continuing substantial noncompliance with any applicable city ordinance. In addition to all other remedies, the city may seek to enjoin any unit from being operated as a residential rental unit that is not properly permitted by the city.

Section 4. That Section 150.180 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.180 PROPERTY TRANSFERS.

To transfer a permit for a residential rental unit from one owner, owner's responsible party or Management Company to another, the applicant shall give written notice, including the name and address of the transferee, to the city of the transfer within ~~60~~30 days after the transfer.

Date adopted: _____.

Mayor

ATTEST:

City Clerk