

Ordinance 2017-51

SHORT TITLE:

An ordinance enacting a new Provo City Code provision regarding rental contracts. (17-104)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL		✓	
CW 2	GEORGE STEWART	✓		
CD 1	GARY WINTERTON	✓		
CD 2	KIM SANTIAGO	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING		✓	
TOTALS		5	2	

This ordinance was passed by the Municipal Council of Provo City, on the 14th day of November 2017, on a roll call vote as described above. Signed this 22nd of November 2017.

David S. Sewell

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this _____.

Did not sign

Mayor

Ordinance 2017-51

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 14th day of December 2017, with a short summary being published on the 18th day of November 2017, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2017-51.





City Recorder

EXHIBIT A

6.26.150. Contract Required.

(1) For purposes of this section, the following definitions shall apply:

(a) "Owner" includes any duly authorized agent of a property owner, including an authorized property manager, but does not include any tenant or sublessor except on-site property managers of multi-family dwellings.

(b) "Tenant" includes any lessee and/or sublessee.

(c) "Contract" means, at a minimum, a document executed by both the owner and one or more tenants that meets the requirements in subsection (4). It need not contain any additional terms to meet the requirements of this section.

(d) "Rental dwelling" has the meaning defined in Provo City Code Section 6.02.010, but also includes a mobile home rental dwelling as defined in that section.

(2) Every owner of a rental dwelling shall have a written contract with each adult tenant.

(3) Every adult tenant shall have a written contract with the owner of any rental dwelling.

(4) The contract shall contain the following:

(a) a copy of the rental dwelling license application approval letter for that property;

(b) a copy of the Tenants' Rights and Responsibilities document provided by Provo City; and

(c) an acknowledgment by both owner and tenant of tenant's lease of the premises.

(5) The owner shall make the contract available to Provo City officials upon request when reasonable cause exists to believe that there is a violation of this section.

(6) It shall be unlawful for any owner, tenant, or other individual to violate the requirements of this section.

(7) Any owner, tenant, or other individual who intentionally, knowingly, or recklessly violates this section shall be guilty of a Class C misdemeanor.

(a) No person shall be in violation of this section unless he intends a violation, is aware that his conduct is reasonably certain to cause a violation of this section, or is aware of, but consciously disregards, a substantial and unjustifiable risk that his conduct will result in a violation of this section.

(b) A person shall not be held liable if a violation of this section results from his criminal or simple negligence.

(c) A second or subsequent conviction under this section shall be a Class B misdemeanor.

(d) For purposes of this section, a plea of guilty or no contest to a violation of this section, which plea is held in abeyance under Utah Code Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.