

Ordinance 2018-10

SHORT TITLE:

An ordinance amending the previously enacted Ordinance 2017-51 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	GEORGE HANDLEY	✓		
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7	0	


This ordinance was passed by the Municipal Council of Provo City, on the 6th day of March 2018, on a roll call vote as described above. Signed this 14th day of March 2018


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 20 March 2018.


Mayor

Ordinance 2018-10

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 26th day of March 2018, with a short summary being published on the 10th day of March 2018, 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 2018-10.





City Recorder

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ORDINANCE 2018-10.

AN ORDINANCE AMENDING THE PREVIOUSLY ENACTED ORDINANCE
2017-51 REGARDING RENTAL CONTRACTS. (17-104)

WHEREAS, on November 11, 2017, the Municipal Council approved Ordinance 2017-51 enacting Provo City Code Section 6.26.150 (Contract Required) to establish requirements of landlords in disclosing zoning rules for rental properties; and

WHEREAS, said ordinance contained an effective date of January 1, 2018, which was amended to March 1, 2018 by Ordinance 2018-01 approved on January 9, 2018; and

WHEREAS, on February 20, 2018, the Municipal Council met in Work Session to discuss additional proposed amendments to Ordinance 2017-51; and

WHEREAS, on March 6, 2018, the Municipal Council held a duly noticed public meeting to ascertain facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) Ordinance 2017-51 and Provo City Code Section 6.26.150 should be amended as proposed and (ii) this action, as set forth below, reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

The previously approved Ordinance 2017-51, as amended by Ordinance 2018-01, and Provo City Code Section 6.26.150 enacted thereby, is hereby amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance and Provo City Code Section 6.26.150 in its entirety shall take effect on August 1, 2018.

47 END OF ORDINANCE.

EXHIBIT A

6.26.150. Rental Disclosure Contract Required.

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

(a) “Lessor Owner” means any person leasing to another person a rental dwelling or any interest therein 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) “Lessee Tenant” means any person leasing from another a person a rental dwelling or any interest therein includes any lessee and/or sublessee.

(c) “Provo City Rental Disclosure Contract” means, at a minimum, a document provided by the Provo City Community Development Department in accordance with this Section, 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 lessor, or the lessor’s agent, shall provide to each lessee of the lessor’s property a Provo City Rental Disclosure signed by the lessor, or lessor’s agent, and shall obtain the lessee’s signature thereon~~owner of a rental dwelling shall have a written contract with each adult tenant.~~

(3) Every adult ~~tenant~~ lessee shall obtain a Provo City Rental Disclosure from the lessor, or lessor’s agent, of the leased property and shall sign the same~~have a written contract with the owner of any rental dwelling. It is an affirmative defense to a violation of this subsection if the lessee requests in writing the Provo City Rental Disclosure from the lessor, or lessor’s agent, and the lessor, or lessor’s agent, fails to provide it.~~

(4) The Provo City Rental Disclosure~~contract~~ shall contain the following:

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

(b) a statement advising the lessee that if the lessee subleases or assigns any portion of the leased property to another, then, as a sublessor, the lessee is obligated to meet a lessor’s obligations under this Section with regard to his or her sublessee;

(c) a statement of~~copy of the Tenants’~~ the Rights and Responsibilities of lessees~~document provided by Provo City;~~ and

(d) a place for the signature of both the lessor and lessee acknowledging the lease of the

~~property an acknowledgment by both owner and tenant of tenant's lease of the premises.~~

(5) A lessor, lessor's agent, or lessee ~~The owner~~ shall make the Provo City Rental Disclosure contract available to Provo City officials upon request when reasonable cause exists to believe that there is a violation of this section or of occupancy limits provided in Provo City Code Title 14.

(6) It shall be unlawful for any ~~lessor owner, lessor's agent, lessee tenant~~, or other individual to violate the requirements of this section.

(7) Any ~~lessor owner, lessor's agent, lessee 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.

~~(b)~~ 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.