

ORDINANCE NO. 23-2024

AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, OF THE WEST LAFAYETTE CITY CODE

WHEREAS, Indiana Code section 36-1-5-3 requires the City Council of the City of West Lafayette to codify, revise, rearrange, and compile the ordinances of the City into a complete, simplified code; and

WHEREAS, the existing West Lafayette City Code contains outdated provisions and references.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA THAT the following amendments are made to sections of the West Lafayette City Code (deletions indicated by ~~strike through~~; additions indicated by **bold**):

- I. Chapter 2, Article I, Section 2-6 Continuous violations; schedule of fines - the schedule shall have the following entries added:

Section	Description	Fine
6-193	Failure to submit rental registration documents	\$500.00 (1st); \$2,500.00 (subsequent)
6-195	Failure to submit occupancy affidavit in required time	\$200 (1st); \$2,500.00 (subsequent)
6-210	Submitting false or incomplete property owner registration pursuant to section 6-193	\$500.00 (1st); \$2,500.00 (subsequent)
	Submitting incorrect, false, or incomplete occupancy affidavit pursuant to section 6-195	\$1,000.00 (1st); \$2,500.00 (subsequent)
	Renting without inspection and occupancy verification pursuant to section 6-193	\$250.00 (1st); \$1,000.00 (subsequent)
	Failure to timely sign or submit a complete occupancy affidavit pursuant to section 6-1985(e)	\$100.00
	Failure to post/display inspection and occupancy verification pursuant to section 6-198(c)	\$200.00 (1st); \$1,000.00 (subsequent)
	Violation of rental occupancy rules under section 6-195(d)	\$200.00 (1st); \$2,500.00 (subsequent)
	General rental housing chapter violation (not otherwise specified)	\$100.00 \$200.00 (1st) \$1000.00 (subsequent)

The remaining entries in the schedule are unchanged.

II. Chapter 6, Article V, Sec. 6-192 shall be amended as follows:

Initial inspection means a periodic systematic inspection of a rental property, ~~according to the district and schedule,~~ for the purpose of determining compliance with the housing-property maintenance code.

III. Chapter 6, Article V, Sec. 6-193(1) shall be amended as follows:

- (1) *One- and two-family dwelling sales.* The sale of any one- or two-family dwelling intended for occupancy by the owner or owners of record which are to be occupied by the seller under a rental agreement for a period of less than ninety days following closing. The sale of any one- or two-family dwelling intended for occupancy under a lease with option to purchase agreement, life estate agreement or any other form of conditional sale agreement, shall require registration if legal or equitable ownership is not transferred in its entirety within ninety days of execution of the conditional sales agreement. **Occupancy shall be as follows: Family plus 2 unrelated people OR in the case of no relation - 3 unrelated people.**

IV. Chapter 6, Article V, Sec. 6-195(c) shall be amended as follows:

- (c) Each applicant shall submit an updated occupancy affidavit and each occupant shall sign the same, as set forth above, for each unit located in a single-family district and R-2 district not less than annually and upon any change in occupants. If there is no change since the previously filed occupancy affidavit, the owner may indicate "no change" in place of the occupants' names and need not include occupant signatures. The updated occupancy affidavit shall be delivered to the program administrator's office **prior to occupancy within fifteen calendar days.**

V. Chapter 6, Article V, Section 196 shall be amended as follows:

Sec. 6-196. Categories of rental units.

All rental units shall be divided into the following categories for the purposes of determining the term of the rental registration and the registration fees to be charged:

- (1) Category 1 is any occupancy other than by the owner of a single-family dwelling unit.
- (2) ~~(Category 2 is intentionally omitted.)~~ **Category 2 is Transient Guest House (i.e. Airbnb, VRBO).**
- (3) Category 3 is purpose-built, multi-unit housing or purpose-built duplex.
- (4) Category 4 is converted housing.
- (5) Category 5 is any occupancy **other than by the owner** of a condominium unit.

VI. Chapter 6, Article V, Section 197(b) shall be amended as follows:

(b) Inspection performed by West Lafayette:

(1) For Category 1, the fee shall be in an amount established by the city and the rental inspection shall be valid for a term of one year. Provided that if the property meets the following conditions, the rental inspection shall be valid for a term of two years:

- a. The registration of rental property is filed in a timely manner and in response to the first notice;
- b. All applicable fees are paid on time and in response to the first notice;
- c. The property owner or owner's agent for all existing (or established) rental property must have a history of compliance with all aspects of the inspection program and this article in the two previous inspection rounds;
- d. The program administrator does not find the rental property to be in violation of the housing property maintenance code or any other applicable codes, standards or regulations of the city, the county or the state.

(2) For Category 2, the fee shall be in an amount established by the city and the rental inspection shall be valid for a term of one year. Provided that if the property meets the following conditions, the rental inspection shall be valid for a term of two years:

- a. The registration of rental property is filed in a timely manner and in response to the first notice;**
- b. All applicable fees are paid on time and in response to the first notice;**
- c. The property owner or owner's agent for all existing (or established) rental property must have a history of compliance with all aspects of the inspection program and this article in the two previous inspection rounds;**
- d. The program administrator does not find the rental property to be in violation of the housing property maintenance code or any other applicable codes, standards or regulations of the city, the county or the state.**

(23) For Category 3, the fee shall be in an amount established by the city and the rental inspection shall be valid for a term of two years. Provided that if the property meets the following conditions, the rental inspection shall be valid for a term of four years:

- a. The registration of rental property is filed in a timely manner and in response to the first notice;
- b. All applicable fees are paid on time and in response to the first notice;
- c. The property owner or owner's agent for all existing (or established) rental property must have a history of compliance with all aspects of the inspection program and this article in the two previous inspection rounds;
- d. The program administrator does not find the rental property to be in violation of the housing property maintenance code or any other applicable codes, standards or regulations of the city, the county or the state;
- e. The property has maintenance personnel readily available and an established maintenance and renovation program that provides for the routine inspection

and maintenance and the long-term upgrades of the units, building and property.

- (34) For Category 4, the fee shall be in an amount established by the city and the rental inspection shall be valid for a term of one year. Provided that if the property meets the following conditions, the rental inspection shall be valid for a term of two years:
- a. The registration of rental property is filed in a timely manner and in response to the first notice;
 - b. All applicable fees are paid on time and in response to the first notice;
 - c. The property owner or owner's agent for all existing (or established) rental property must have a history of compliance with all aspects of the inspection program and this article in the two previous inspection rounds;
 - d. The program administrator does not find the rental property to be in violation of the housing property maintenance code or any other applicable codes, standards or regulations of the city, the county or the state.
- (45) For Category 5, the fee shall be in an amount established by the city and the rental inspection shall be valid for a term of two years. Provided that if the property meets the following conditions, the rental inspection shall be valid for a term of four years:
- a. The registration of rental property is filed in a timely manner and in response to the first notice;
 - b. All applicable fees are paid on time and in response to the first notice;
 - c. The property owner or owner's agent for all existing (or established) rental property must have a history of compliance with all aspects of the inspection program and this article in the two previous inspection rounds;
 - d. The program administrator does not find the rental property to be in violation of the housing property maintenance code or any other applicable codes, standards or regulations of the city, the county or the state;
 - e. The property has maintenance personnel readily available and an established maintenance and renovation program that provides for the routine inspection, maintenance, and long-term upgrades of the units, buildings, and property.
- (56) Rental registration fee is an amount established by the city.
- (67) For any reinspection after the first reinspection, there shall be an additional fee in an amount established by the city. If the owner or agent fails to attend any scheduled inspection, there shall be an additional fee in an amount established by the city for each such failure to appear.
- (78) It is the goal of the common council that the rental registration and housing inspection program be self-supporting. Each two years after adoption of this article, the program administrator shall review the revenue from fees and fines and evaluate the expenses of administering the rental registration and housing inspection program. The program administrator shall recommend to the common council any revisions to the schedule of fees and fines to maintain the goal of a self-supporting program and to minimize the fees on owners who have a history of full compliance with the rental registration and housing inspection program.

The program administrator shall also recommend to the common council any other revisions of this article.

VII. Chapter 6, Article V, Section 204 shall be amended as follows:

Sec. 6-204. Remedy of violations prior to renting or leasing.

If any rental unit within a building is found to be deficient with respect to the codes cited herein, the subject unit shall not be rented by the owner or owner's agent until the code violations are remedied in total and an inspection and occupancy verification has been issued by the program administrator. Rental of a unit with an uncured violation shall be a separate and distinct offense for each day that a violation occurs or continues. Following notice and reasonable opportunity to cure, the city may bring action in **city court**, circuit or superior courts of the county or state for mandatory and injunctive relief in the enforcement of and to secure compliance with any applicable code requirement, and any such action for mandatory or injunctive relief may be joined with an action to recover the fees and penalties provided for in this Code.

VIII. Chapter 12, Article I, Section 12-1 Table of fees – the table shall have the following rows amended:

Section	Description	Fee
6-197(B)(2)	Rental inspection—transient guest house-(Category 2)	\$225.00
6-197(B)(23)	Rental inspection—purpose built multi-unit housing/duplex (Category 3)	\$48.00 per bedroom
6-197(B)(34)	Rental inspection—converted housing (Category 4)	\$225.00
6-197(B)(4)(5)	Rental inspection—condo (Category 5)	\$48.00 per bedroom
6-197(B)(56)	Annual rental registration fee	\$5.00
6-197(B)(67)	First reinspection of rental property	No charge
6-197(B)(67)	Subsequent reinspection of rental property	\$100.00
6-197(B)(67)	Owner/Agent fails to appear for inspection	\$100.00

The remaining entries in the table are unchanged.

INTRODUCED ON FIRST READING ON THE 5 DAY OF August, 2024.

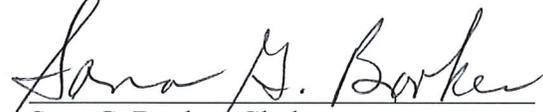
MOTION TO ADOPT MADE BY COUNCILOR Parker, AND SECONDED BY COUNCILOR Lee.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 3 DAY OF September, 2024, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bellisario			✓	
Blanco			✓	
Burr	✓			
Dennis	✓			
Lee	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Veidemanis	✓			


Larry J. Leverenz, Presiding Officer

Attest:


Sana G. Booker, Clerk



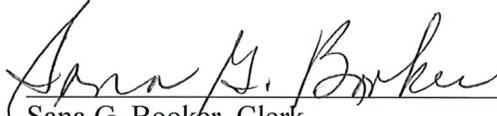
PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 4 DAY OF September, 2024.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 4 DAY OF September, 2024.


Erin R. Easter, Mayor

Attest:


Sana G. Booker, Clerk

