

CITY OF HARRINGTON
ORDINANCE NO. 13-03

AN ORDINANCE AMENDING CHAPTER 314, RENTAL PROPERTIES, OF THE CODE OF THE CITY OF HARRINGTON RELATING TO CRIME FREE LEASING ADDENDUM

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

Section 1. That the title of § 314-1 shall be amended to the following:

§ 314-1. License required; fee; crime-free housing seminar required; required lease provisions.

Section 2. That § 314-1 shall be amended by adding the following subsections:

- C. All persons applying for a rental dwelling license, and all persons administering, managing, or controlling the operation of any rental dwelling unit must attend a crime free housing seminar, approved by the Harrington Police Department, within twelve (12) months of issuance of the license. Thereafter, each rental license holder and each rental property manager must attend a refresher seminar every three (3) years. Documentation shall be submitted to the City Clerk and kept on file within the department.
- D. All residential leases shall be in writing and shall include a crime free lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

- (1) The tenant, any member of the tenant's household, any guest, or any other person associated with the tenant on or within 500 feet of the leased premises:
 - (a) Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by Title 16.
 - (b) Shall not engage in any act intended to facilitate criminal activity.

- (c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.
 - (2) Any activity prohibited by this agreement shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.
- E. The City shall provide a template crime free lease addendum.
- F. A copy of the signed lease, including the crime free lease addendum, shall be submitted to the City upon the request of the City Manager.
- G. Eviction Required.
- (1) If the tenant, any member of the tenant's household, any guest or other person associated with the tenant engages in criminal activity on three (3) or more occasions within a twelve (12) month period, the property owner or property manager shall begin the process to terminate tenancy.
 - (2) Upon notification by the Chief of Police that termination of tenancy is required in accordance with subsection (1), the City Manager shall notify the property owner and property manager that he or she has thirty (30) days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by certified mail to the property owner and property manager if a property manager is on record with the City.

Section 3. That § 314-2 shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- A. The City Manager, and/or his/her designee, shall, unless specifically provided otherwise, supervise the enforcement of this article and have authority to grant, deny, or revoke licenses.
- B. The following actions may be grounds for suspension of the rental license in accordance with this article:
 - (1) The failure of the property owner to initiate and prosecute with effect eviction proceedings following notification by the City that the terms of the crime free housing lease addendum have been violated, or
 - (2) The failure of the property owner and/or property manager to attend the required crime free housing seminar.

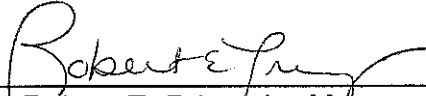
Section 4. That Chapter 314 shall be amended by adding the following section:

Tenants of rental dwelling, all members of the tenant's household, any guest or other person associated with the tenant shall not engage in criminal activity on the leased premises or within 500 feet of the lot on which the rental dwelling is situated. For the purposes of this Chapter, criminal activity means any crime classified by applicable law as a felony or a class A misdemeanor in addition to the following offenses: noise violations, drug offenses, offensive touching, menacing, vehicular assault, sexual harassment, indecent exposure, graffiti, criminal mischief, trespassing, criminal trespassing, crime against a vulnerable adult, unlawfully dealing with a child, disorderly conduct, malicious interference with emergency communications, public intoxication, loitering, criminal nuisance, obstructing of public passage, lewdness, prostitution, patronizing a prostitute, unlawfully dealing with a dangerous weapon, or unlawfully dealing with a switchblade knife.

Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.


Robert E. Price, Jr., Mayor

Attest: 
Kelly Blanchies, Clerk of Council

Date of Adoption: March 18, 2013

SYNOPSIS

This Ordinance amends Chapter 314 to add a requirement that landlords participate in a crime free housing program that includes participation in a crime free housing seminar approved by the police department, adding a crime free addendum to leases, and evicting tenants who fail to comply with the crime free addendum.

First Reading: January 22, 2013

Public Hearing: February 19, 2013

Second Reading: March 18, 2013