



Introduced and Read: September 20, 2017
Second Reading: October 18, 2017
Third Reading, Amended and Adoption: November 15, 2017

TOWN OF BRENTWOOD

ORDINANCE 2017 - 08

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BRENTWOOD TO
ESTABLISH A FEE FOR SINGLE FAMILY AND MULTIPLE RENTAL DWELLING UNITS**

THIS ORDINANCE AMENDS, REPEALS, AND REPLACES ORDINANCE 2013-04

WHEREAS, The Brentwood Code, Chapter 50, Article II, *Rental Property*, Section 50-9. Registration of rental property states: "*Any person or persons, partnership or corporation owning property located in the Town of Brentwood, any part of which is leased or rented to another person, partnership or organization, shall register the property with the Clerk...*"; and

WHEREAS, The Brentwood Code, Chapter 50, Article II, *Rental Property*, Section 50-10. Definitions and word usage, subsection B: PERSON defines "person" as "*Any individual, firm, corporation, association, partnership, limited partnership, trust or estate...*"; and

WHEREAS, The Brentwood Code, Chapter 50, Article II, *Rental Property*, Section 50-12. License required; temporary certificate; inspections; renewal, subsection A: Rental license states that "*It shall be unlawful for any person to rent or lease a non-owner-occupied premises...without having first obtained a license or temporary certificate to do so...*", with subsection B: License adding that a license "*Such application shall be submitted together with a nonrefundable rental license fee. The amount of such fee is to be established by Mayor and Council; and*

WHEREAS, The Brentwood Code, Chapter 50, Article II, *Rental Property*, Section 50-12. License required; temporary certificates; inspections; renewal. subsection F: License renewal: states "*...shall expire one (year) from the date of issuance and shall be renewable annually at the fees set by the Mayor and Town Council...*"; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Brentwood amends Chapter 50, Article II, *Rental Property*, Section 50-12 to add as follows:

SECTION ONE: IMPOSITION AND RATE: COLLECTION DIRECTED

SINGLE FAMILY AND MULTIPLE RENTAL DWELLING UNITS RENTAL LICENSE FEE

(1) There is hereby levied and shall be collected a rental license fee on single family and multiple rental dwelling units for the use of any municipal services, including police protection, fire protection, street lighting, street maintenance, street cleaning and street improvements, parks and recreational facilities, and other essential municipal services, and in compliance with Section 43.5. B. of the Town of Brentwood Code.

(2) Every person conducting, managing, or carrying on multiple rental dwelling units having more than one (1) rental dwelling unit shall pay an annual fee in the amount of One Hundred Dollars (\$100.00) for each rental dwelling unit and every person conducting, managing or carrying on a single family rental dwelling unit shall pay an annual fee in the amount of Two Hundred Dollars (\$200.00) for such unit.

(3) For the purpose of this section, a multiple rental dwelling unit is also considered to be a separate dwelling unit on the same parcel or lot as other separate dwelling units.

(4) Payment of this fee is required by January 1st of each year. No inspection will be undertaken in accordance with Section 43 of the Town of Brentwood Code until such time as the management company, operator or owner applies for and pays the rental license fee in accordance with Section 43.5 of the Town of Brentwood Code.

(5) The Town Clerk shall be charged with the duty of mailing a statement on a yearly basis to the management company, operator or owner of each single family or multiple rental dwelling unit to be charged with the rental license fee hereby imposed for the fee due for the preceding year, but failure to mail any statements of yearly charges shall not be grounds for avoiding payment.

DELINQUENT RENTAL LICENSE FEES

(G) Delinquent Rental License Fees. In the event any rental license fee provided for in this section remains unpaid for a period of thirty (30) days after the same becomes due and payable pursuant to the provisions of this section, the same shall be declared delinquent, and the Town Treasurer shall thereupon add such to such rental license fee and collect a penalty of twenty (20%) percent of the license so delinquent, and, if such license is not paid within sixty (60) days from the time such rental license fee becomes due and payable, an additional penalty of fifteen (15%) percent of such rental license fee shall be added to such rental license fee license. In computing such thirty (30) and sixty (60) day periods, the day upon which such rental license fee becomes due and payable shall be included in the computation.

The penalties provided in this section shall be in addition to all other fines and/or penalties which may otherwise be levied or assessed pursuant to the provisions of this section. The Town Clerk is hereby authorized to collect the rental license fee and any penalties assessed herein imposed on a yearly basis. Any fee paid to the Town of Brentwood pursuant to the terms of this section of the Town Code shall be deemed paid upon the date payment was received by the Town Clerk.

SECTION TWO: Existing paragraphs G and H of Section 50-12 are hereby renumbered as paragraphs H and I.

SECTION THREE: REPORT BY TOWN CLERK TO COUNCIL. Section 50-12 of the Town of Brentwood Code is amended to insert a new paragraph J to read as follows:

J. Report by the Clerk. The Town Clerk shall within sixty (60) days after the end of each fiscal year report to the Council a list of all multiple rental dwelling units who are delinquent in the payment of the rental license fee or any

portion thereof for the preceding fiscal year and the Council shall by resolution direct the Town Clerk and other municipal employees to take such action as the Council deems advisable and necessary in regard to the payment of such delinquent fees.

SECTION FOUR: PROVISIONS SEVERABLE. The provisions of this Ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for any reason invalid or unenforceable by a court of competent jurisdiction hereto the unaffected portions thereof shall remain valid and shall be given full force and effect.

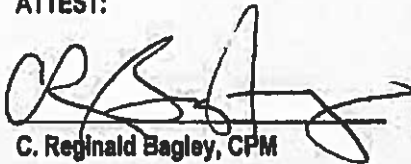
SECTION FIVE: CONFLICTS: All Ordinances or parts of Ordinances in conflict with any other Ordinance and any of the provisions of this Ordinance are hereby repealed.

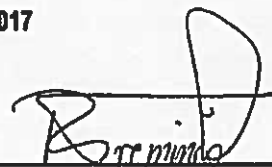
SECTION SIX: EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION SEVEN: CODE REFERENCE: This ordinance references section 50 of the Brentwood Town Code which was formerly Section 43 as referenced in the previous version of this ordinance.

PASSED AND ADOPTED this 15th day of November, 2017

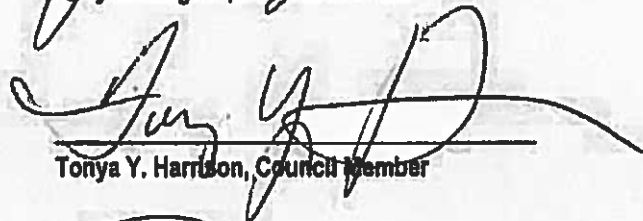
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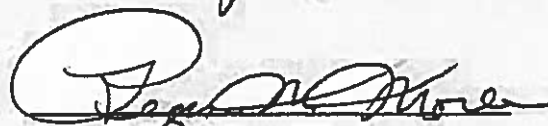

C. Reginald Bagley, CPM
Town Administrator


Rocio Traminio-Lopez, Mayor


Victor R. Olano, Vice Mayor


Jerry L. Burgess, Council Member


Tonya Y. Harrison, Council Member


Regina M. Moran, Council Member