



City of Elkhart
Mayor's Office

M E M O R A N D U M

Date March 17, 2025
To Common Council
From Megan Erwin, Chief of Staff
RE Elkhart Rental Inspection Program

We respectfully request your consideration of this ordinance to establish the Elkhart Rental Inspection Program, which will establish a rental registry and require regular inspections of rental properties in Elkhart. This program is key to ensuring the safety and stability of our community and has three main objectives:

1. To maintain an accurate registry of rental properties in Elkhart and local contact information;
2. To encourage property maintenance and ensure public health, safety, and welfare;
3. To preserve the character and stability of Elkhart's residential neighborhoods;

Once implemented, all rental property owners would be required to annually register their properties with the City of Elkhart, and rental units would be required to be inspected every three years to ensure they are safe and habitable. After passing inspection, the Building Commissioner will issue a certificate confirming compliance.

The ordinance sets a \$5 annual registration fee for rental properties, a \$60 inspection fee per unit, and establishes various penalties for noncompliance. It also includes an incentive to encourage early participation: a fifty percent discount on the inspection fee for owners who register within the first six months.

The ordinance provides the opportunity for rental housing communities (5+units) to submit evidence of a qualified independent inspection in lieu of scheduling an inspection with city staff.

By implementing the Elkhart Rental Inspection Program, we can foster a safer and more well-maintained rental housing market while promoting accountability among property owners. This initiative will help protect tenants, enhance neighborhood stability, and support the long-term growth and prosperity of our community, ensuring that Elkhart residents have access to safe, quality housing.

We appreciate your support and consideration.

ORDINANCE NO _____

AN ORDINANCE ESTABLISHING A RENTAL INSPECTION PROGRAM FOR THE CITY OF ELKHART, INDIANA

WHEREAS, IC 36-1-20-4.1 (b) authorizes political subdivisions of the State of Indiana to establish a program for the registration and inspection of residential housing units; and

WHEREAS, the City of Elkhart seeks to ensure the quality of life for its residents; and

WHEREAS, the City of Elkhart desires to enhance the quality of life in its legacy neighborhoods; and

WHEREAS, the City of Elkhart desires to promote rental property maintenance and promote public health and safety; and

WHEREAS, the City of Elkhart desires to create an environment that makes the City a better place to live and work; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The Code of Ordinances of the City of Elkhart, Indiana, is amended to add Chapter 161, entitled, “Elkhart Rental Inspection Program” to the compiled statutes and regulations of the City of Elkhart, Indiana.

Section 2. Chapter 161, including all subchapters herein, is hereby established, and shall read as follows:

§161.01 TITLE.

(A) This chapter and all material included herein by reference shall be known as the “Elkhart Rental Inspection Program” for the City of Elkhart, Indiana.

§161.02 INTENT.

(A) The Elkhart Rental Inspection Program is intended to:

(1) Promote the health, safety, and welfare of Elkhart’s residents residing in or near rental housing;

(2) Ensure the rental housing offered for residency meets the minimum health and safety standards of the building, fire, safety and maintenance codes of the City of Elkhart; and

(3) Enhance the quality of life for Elkhart's residential tenants, owners and neighborhoods, by implementing a program which promotes regular property maintenance, increases property values, and stabilizes neighborhoods, by proactively identifying and addressing issues through regular inspections.

§161.03 SCOPE.

(A) Unless excluded by §161.04 below, the Elkhart Rental Inspection Program shall apply to all Rental Units and Rental Unit Communities and all areas associated therewith including, but not limited to, parking lots, common areas, driveways, landscaping, accessory structures, fences, and retaining walls.

(B) Notwithstanding the provisions of this Chapter, the Enforcement Authority retains full authority to pursue any legal action available under state or local law with respect to the health and safety standards of the building, fire, safety and maintenance codes of the City of Elkhart and State of Indiana.

(C) The Elkhart Rental Inspection Program is intended to supplement, not supplant, the various the building, fire, health, safety and maintenance codes of the City of Elkhart and State of Indiana.

§161.04 EXCLUSIONS.

(A) This subchapter shall not apply to:

(1) Hotels, motels, bed and breakfast, or Rental Units with rental periods of less than thirty (30) consecutive days to the same tenant; or

(2) An Owner-Occupied Rental Unit or Rental Unit Community. For structures containing more than one (1) Rental Unit, this exclusion shall only apply to the individual Rental Unit that is owner-occupied, and the Elkhart Rental Inspection Program shall apply to all other Rental Unit(s) in the structure(s).

(3) This subchapter does not supersede or take precedence over contractual agreements or contracts between an Owner and/or landlord and any tenant(s), which are in place prior to the adoption of this ordinance. The City will not intervene as an advocate of either party, act as an arbiter, or hear or resolve any complaints by an and/or landlord or any tenant(s) that do not clearly and directly relate to the provisions of the Elkhart Rental Inspection Program or other City ordinances.

§161.05 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Enforcement Authority" means the Elkhart City Building Commissioner or the Building Commissioner's designee(s) charged with the responsibility to enforce the

provisions of the Elkhart Rental Inspection Program and the Unsafe Building Law, IC 36-7-9-2.

(2) “Hearing Authority” means the person or body designated under §153.55 of the Unsafe Building Code of the City of Elkhart, Indiana and Unsafe Building Law, IC 36-7-9-2.

(3) “Landlord” has the meaning prescribed by IC 32-31-3-3.

(4) “Newly Created Rental Unit or Rental Community” means a Rental Unit, or Rental Community, as defined below, which is offered for lease on or after January 1, 2026, but which was neither leased nor offered for lease, prior to January 1, 2026.

(5) “Owner” has the meaning prescribed by IC 32-31-3-4, and includes the meaning prescribed by subchapter (3) for Landlord, such that any reference to “Owner” herein, means “Owner or Landlord.”

(6) “Owner-Occupied Rental Unit” means a Rental Unit which is occupied solely by the Owner, or the Owner and Owner’s family, as the primary residence of the Owner. An Owner-Occupied Rental Unit does not include a Rental Unit that is occupied solely by Owner’s family.

(7) “Person” has the meaning prescribed by IC 32-31-3-5.

(8) “Rental Property Registration and Inspection Application” means the form prescribed by the Building Commissioner for the purposes described in this Chapter.

(9) “Rental Unit” has the meaning prescribed by IC 32-31-3-8.

(10) “Rental Unit Community” has the meaning prescribed by IC 36-1-20-1.5.

(11) “Tenant” has the meaning prescribed by IC 32-31-3-10.

(12) “Unsafe Building Order,” “Unsafe Premises Order” or “Order to Take Action” means an order issued pursuant to IC 36-7-9-5, as amended, and adopted by the City of Elkhart, under §153.52 of the Code of Ordinances of the City of Elkhart, Indiana.

§161.06 MINIMUM HEALTH AND SAFETY STANDARDS.

(A) Every Rental Unit and Rental Unit Community in the City of Elkhart, Indiana shall be registered and inspected to determine that the property is safe and habitable, in that it meets the minimum safety standards under the International Property Maintenance Code and Indiana Code 22-11-18, with respect to:

- (1) Electrical supply and electrical systems;
- (2) Plumbing and plumbing systems;
- (3) Water supply, including hot water;
- (4) Heating, ventilation, and air conditioning equipment and systems;
- (5) Bathroom and toilet facilities;

- (6) Doors, windows, stairways, and hallways;
- (7) Functioning smoke detectors; and
- (8) The structure in which a Rental Unit is located.

§161.07 REGISTRATION.

(A) Early Registration.

- (1) An early registration period is declared under this ordinance for the period commencing upon the effective date of this ordinance and expiring on December 31, 2025.
- (2) Any Owner may register the Owner's Rental Units or Rental Unit Community, during the early registration period by electronically submitting a rental property registration and inspection application to the Building Commissioner, accompanied by payment of the registration fee set forth in §161.09(A) of this Chapter.
- (3) Any Owner registering a Rental Unit or Rental Community during the early registration period shall receive a fifty percent (50%) discount of the Initial Inspection fee payable under §161.09(B) of this Chapter and, if a re-inspection is required under §161.08(E) of this Chapter, a fifty percent (50%) discount of the First Re-Inspection Fee, payable under §161.09(C).

(B) Initial Registration of Existing Rental Units and Rental Unit Communities.

- (1) This subchapter (B) applies to the Owner of every Rental Unit and Owner of every Rental Unit Community, unless registered under subchapter (A) above.
- (2) The Owner of a Rental Unit or Rental Unit Community shall register every such Rental Unit and Rental Unit Community, by electronically submitting a Rental Property Registration and Inspection Application on the form prescribed by the Building Commissioner, together with the payment of the registration fee set forth in §161.09(A) of this Chapter, not later than January 1, 2026.

(C) Initial Registration of Newly Created Rental Units or Rental Unit Communities.

- (1) The Owner of each Newly Created Rental Unit or Rental Unit Community, shall register each such Rental Unit and each such Rental Unit Community, prior to occupancy by any tenant(s).

(D) Re-registration of Rental Unit or Rental Unit Community.

- (1) If ownership of a registered Rental Unit or Rental Unit Community transfers before the scheduled renewal date for registration, the new Owner shall complete a new initial registration, within thirty (30) days of acquiring ownership, together with payment of the Registration Fee. Transfers of ownership include transfers between legal entities, even when the shareholder(s) or other interest-holder(s) between the entities is the same, before and after the transaction.

(E) Registration Term and Renewal.

- (1) Every registration is for a period of one (1) year, commencing on the day of registration.
- (2) Every registration shall be renewed, together with the registration fee provided by §161.09(A) of this Chapter, in the thirty (30) day period, preceding the end of the one (1) year registration term.

(F) Mid-Year Registration Updates.

(1) If any of the following information in the annual registration changes during the annual registration period, the Owner shall update the registration record, electronically, or the form proscribed by the Building Commissioner, within thirty (30) days of any of the following occurrences:

- (a) Change in the professional real estate manager, if applicable;
- (b) Change in contact information for the Owner landlord, or professional real estate manager, if applicable; or
- (c) Change in the number of Rental Units in a Rental Unit Community.

(2) No fee applies to registration updates.

§161.08 INSPECTIONS.

(A) Initial Inspection and Scheduling.

- (1) This subchapter applies to all Rental Units and Rental Unit Communities, unless the Owner establishes that the property is exempt from inspection under §161.08(C) below.
- (2) The initial inspection of a Rental Unit or Rental Unit Community shall be scheduled during the initial registration of the property.

(B) Inspection Upon Expiration of Inspection Certificate.

(1) Prior to the expiration of a previously issued inspection certificate, but not more than ninety (90) days before the certificate expires, the Owner of a Rental Unit or Rental Unit Community shall submit the registration renewal required under §161.07(E) above, and schedule an inspection for renewal of an inspection certificate by the City, unless the Owner establishes that the property is exempt from inspection under §161.08(C) below.

(C) Qualified Independent Inspection Exemption.

(1) A Rental Unit or Rental Unit Community is exempt from an Enforcement Authority inspection, prescribed under §161.08(A) or §161.08(B), respectively, if all the following requirements are established:

- (a) The Rental Unit is:
 - (i) Managed by a professional real estate manager; or
 - (ii) Part of a Rental Unit Community that is managed by a professional real estate manager.

- (b) During the previous twelve (12) months, the Rental Unit has been inspected or is part of a Rental Unit Community that has been inspected by either of the following:
- (i) By or for:
 - A) The United States Department of Housing and Urban Development, the Indiana Housing and Community Development Authority, or another federal or state agency; or
 - B) A financial institution or insurance company authorized to do business in Indiana; or
 - (ii) By an independent inspector who:
 - A) is a registered architect;
 - B) is a professional engineer; or
 - C) Meets the following qualifications:
 - a) Holds a valid license issued by the Indiana Professional Licensing Agency, Home Inspectors Board, under IC 25-20.2-6, as a licensed home inspector; and
 - b) Holds a valid certification issued by the United States Department of Housing and Urban Development (HUD) to conduct real property inspections applying the National Standards for the Physical Inspection of Real Estate (NSPIRE).
- (c) The alternate Federal, financial, or insurance institution inspection, offered for exemption under §161.08(C), resulted in the contemporaneous issuance of an inspection report, containing not less than all the information specified for an Inspection Report issued by the Enforcement Authority under §161.10(A).
- (d) The independent inspector is not an employee or family member of the Owner.
- (e) The independent inspection report and such other information and/or documentation necessary and proper for the Building Commissioner to determine the request for exemption under §161.08(C) is provided to the Building Commissioner, in a timely manner and not later than the expiration of an existing inspection certificate or exemption period.
- (f) The application for inspection exemption is supported by such other information as may be necessary and proper for the Building Commissioner to determine exemption under this §161.08(C).
- (2) If all requirements of this subchapter §161.08(C) are satisfied, any inspection report prepared by or for the United States Department of Housing and Urban Development shall be valid for exemption purposes until the earlier of:
- (a) The date specified in the inspection report; or

(b) Thirty-six (36) months after the date of the inspection report.

(3) If all requirements of this this §161.08(C) have been satisfied, no inspection fee shall be due, and the Enforcement Authority shall issue an inspection exemption certificate.

(4) If one or more of the requirements have not been satisfied, the Enforcement Authority shall notify the Owner and schedule an inspection to be conducted by the Enforcement Authority pursuant to §161.08(A) or §161.08(B), above.

(D) Initial Inspections and Renewal Inspections.

(1) The Owner is responsible for the scheduling of all initial and renewal inspections under this Chapter.

(2) The Owner shall notify tenants, not less than seventy-two (72) hours in advance of the inspection date and time, that the City's inspection requires access to the interior of the Rental Unit, and that any pets are to be controlled or restrained by the tenant at all times during the inspection. The Owner is responsible for ensuring access at the time of the inspection and may be present during the inspection. In the event the Owner needs to reschedule the inspection, the Owner shall contact the Enforcement Authority no less than forty-eight (48) hours, excluding weekends and holidays, before the scheduled inspection or be assessed a rescheduling fee as set forth in §161.09 of this Chapter. A rescheduling fee may be reduced or waived at the discretion of the Enforcement Authority, if the circumstances causing the rescheduling could not have been reasonably foreseen.

(E) Re-inspections. An inspection authorized under this Chapter which identifies noncompliance with the minimum safety standards set forth in §161.06(A), may require one or more re-inspections by the Building Commissioner to confirm that the violations have been cured and that no other violations of the §161.06(A) minimum safety standards exist, prior to issuance of an inspection certificate.

(F) Irregular Inspections. The Enforcement Authority may conduct an irregular inspection of any Rental Unit or Rental Unit Community, regardless whether the Owner of the Rental Unit or Rental Community has been issued a valid inspection certificate under subchapter §161.08(A) or §161.08(B), or has been issued an inspection exemption certificate under §161.08(C), if the Enforcement Authority:

(1) Has reason to believe; or

(2) Receives a complaint;

that the Rental Unit or any portion of a Rental Unit Community does not meet the minimum safety standards under §161.06(A).

(a) In the absence of exigent circumstances, prior to conducting an irregular inspection of a vacant Rental Unit (a unit not under lease) or Rental Unit of a Rental Unit Community, the Enforcement Authority shall request the consent of the Owner, not less than seventy-two (72) hours (excluding weekends and holidays), before entering the premises to conduct an inspection.

(b) In the absence of exigent circumstances, prior to conducting an irregular inspection of a leased Rental Unit or Rental Unit of a Rental Unit Community, the Enforcement Authority shall request the consent of the Tenant, not less than seventy-two (72) hours (excluding weekends and holidays), before entering the premises and conducting an inspection.

(c) If an irregular inspection under this subchapter §161.08(F) reveals no violation of the minimum safety standards set forth in §161.06(A), no inspection fee shall be charged to the Owner.

(d) However, if at the time of the irregular inspection, the Building Commissioner determines that the Rental Unit or Rental Unit Community is not in compliance with the minimum safety standards set forth in §161.06(A), then the Enforcement Authority may proceed pursuant to the provisions of §161.10(B) of this Chapter.

(G) Inspection Refusal. Inspection Warrant. If the Owner or Tenant, as applicable, is unable or unwilling to consent to an inspection of the Rental Unit or Rental Unit Community, by the Enforcement Authority, as authorized by this Chapter, no entry shall be made or inspection conducted without a duly issued inspection warrant from a court of competent jurisdiction, pursuant to IC 36-7-9-16.

(H) The Owner shall pay the applicable inspection fee set forth within §161.09 of this Chapter for any irregular inspection, unless the exception provided in §161.08(F)(2)(c) or §161.08(C)(3), applies.

§161.09 Registration and Inspection Fees. The following registration and inspection fees shall be assessed under the Elkhart Rental Inspection Program:

(A) Annual Registration Fee	\$5.00
(B) Initial Inspection Fee	\$60.00
(C) Reinspection Fee (first reinspection)	\$60.00
(D) Irregular Inspection Fee (first irregular inspection)	\$75.00
(E) Reinspection Fee (second and each subsequent reinspection)	\$100.00
(F) Inspection Cancellation\Rescheduling Fee (less than 48-hour notice)	\$100.00

§161.10 INSPECTION REPORT.

(A) Every inspection conducted by the Enforcement Authority pursuant to §161.08(A) or §161.08(B), shall result in the issuance of a written inspection report to the Owner that verifies whether the Rental Unit or Rental Unit Community is safe and habitable with respect to:

- (1) Electrical supply and electrical systems;
- (2) Plumbing and plumbing systems;
- (3) Water supply, including hot water;

- (4) Heating, ventilation, and air conditioning equipment and systems;
- (5) Bathroom and toilet facilities;
- (6) Doors, windows, stairways, and hallways;
- (7) Functioning smoke detectors; and
- (8) The structure in which a Rental Unit is located.

(B) Noncompliance with rules of the Fire Prevention and Building Safety Commission.

(1) If an inspection reveals that a Rental Unit is not compliant with the International Property Maintenance Code, as adopted under Chapter §154 of the Code of Ordinances of the City of Elkhart, Indiana, the regulations of the Fire Prevention and Building Safety Commission, as adopted by reference under Chapter §156 of the Code of Ordinances of the City of Elkhart, each nonconforming item may be considered a violation, and the inspection report may be accompanied by a notice of violation, or unsafe building and/or unsafe premises, pursuant to §153.50, *et seq.* of the Unsafe Building Code of the Code of Ordinances of the City of Elkhart. Each notice of violation, citation or Order to Take Action, shall identify each nonconforming item to be cured and provide a reasonable time, of at least ten (10) days, but not more than sixty (60) days, for the Owner to cure the violation, unless the nature of the violation requires more immediate action. The determination as to whether the Enforcement Authority issues a notice of violation, citation or Order to Take Action, lies with the sound discretion of the Enforcement Authority.

(2) For common areas which are owned by a single but shared among more than one Rental Unit, violations shall, at the discretion of the Enforcement Authority, be assigned to a single Rental Unit for purposes of the Elkhart Rental Inspection Program or an independent notice of violation, citation or unsafe building and/or unsafe premises Order to Take Action may be issued pursuant to §153.50, *et seq.* of the Unsafe Building Code of the Code of Ordinances of the City of Elkhart. In no event shall said violations be included as nonconforming items on the inspection report for more than one Rental Unit sharing access to the common area.

(3) For common areas associated with condominiums, violations shall not be assigned to the Owner of any single Rental Unit or included on the inspection report for any Rental Unit. A notice of violation or unsafe building and/or unsafe premises order may be issued to the association of co-owners pursuant to §153.50, *et seq.* of the Unsafe Building Code of the Code of Ordinances of the City of Elkhart.

(C) Service of inspection report and corresponding documents.

(1) Each inspection report prepared by the Enforcement Authority which verifies that the Rental Unit or Rental Unit Community is safe and habitable shall be served upon the Owner along with the inspection certificate pursuant to §161.11, by email, personal delivery at the time of inspection for Owners present, or by delivery to the Owner at the Office of the Building Commissioner.

(2) Each inspection report prepared by the Enforcement Authority which identifies the Rental Unit as an unsafe structure or unsafe premises under the Indiana Unsafe Building Law, shall be served upon the Owner together with such other appropriate notice of violation, notice of Order to Take Action, with such instructions and instruments, necessary and proper under the Unsafe Building Law, IC 36-7-9, *et seq.* and the Unsafe Building Code of the City of Elkhart, §153.50, *et seq.*

§161.11 INSPECTION CERTIFICATE.

(A) Issuance. The Enforcement Authority shall issue an inspection certificate for each Rental Unit or Rental Unit Community subject to the provisions of the Elkhart Rental Inspection Program upon:

(1) Confirmation that the Rental Unit or Rental Unit Community has a valid unexpired registration, either as an individual Rental Unit or as part of a Rental Unit Community as set forth in §161.07;

(2) Confirmation that all inspection fees, re-inspection fees, and cancellation or rescheduling fees, if applicable, have been paid; and

(3) Receipt of a satisfactory inspection report as set forth in §161.10.

(B) Expiration. Inspection certificates expire three (3) years from the date of issuance.

(C) Revocation. Inspection certificates may be revoked as follows:

(1) Failure to complete the initial, annual renewal or change of registration, as required by §161.07;

(2) Upon reasonable cause to believe that the Owner supplied false material information in connection with the registration of the Rental Unit or Rental Unit Community;

(3) Upon reasonable cause to believe that the Owner submitted a falsified independent inspection report;

(4) Failure to correct any deficiencies noted in an inspection report within the time specified in the notice of violation or unsafe building and/or unsafe premises order issued pursuant to §153.50, *et seq.* of the Unsafe Building Code of the Code of Ordinances of the City of Elkhart;

(5) Failure to correct any violations by the time required in a final unsafe building and/or unsafe premises order issued pursuant to §153.50, *et seq.* of the Unsafe Building Code of the Code of Ordinances of the City of Elkhart issued for any other violation; or

(6) Construction commenced on a Rental Unit not in conformity with a valid building permit issued by the Building Commissioner under §153.15 of the Code of Ordinances of the City of Elkhart.

(D) Hearing; Revocation.

(1) The Hearing Authority, upon receipt of written documentation from the Enforcement Authority recommending revocation, shall provide written notification to the Owner,

stating the reason for revocation of the inspection certificate, and the date and time the Owner is to appear for a hearing on said revocation by a manner of serving notice set forth in IC 36-7-9-25.

(2) If, after hearing, the Hearing Authority finds by a preponderance of the evidence that the circumstances set forth in §161.11(C) are true, the Hearing Authority shall revoke the inspection certificate.

(E) Transfer.

(1) Unless prohibited by (2) below, an inspection certificate may be transferred to a new owner. The new Owner shall submit the request for transfer as part of the initial registration required by §161.07(B). The expiration date of an inspection certificate shall not be extended by a transfer.

(2) An inspection certificate shall not be transferred if:

(a) The inspection certificate is expired;

(b) The inspection certificate has been revoked or if the Hearing Authority has initiated the revocation process;

(c) The new Owner has outstanding fees, penalties, or liens assessed by the City of Elkhart for any Rental Unit or Rental Unit Community.

(3) If a new Owner consists of more than one person or entity, transfers shall be prohibited if any of the co-owners would be prohibited from transferring a certificate of inspection under §161.11(E)(2).

§161.12 ELKHART RENTAL INSPECTION FUND.

(A) A Rental Inspection Fund is hereby established as a non-reverting fund in accordance with IC 36-1-20-3, which fund shall be contained within the operating budget of the Enforcement Authority. Said fund shall be administrated in accordance with IC 36-1-20-3.

(B) Any fee collected pertaining to the Elkhart Rental Inspection Program shall be deposited into the Elkhart Rental Inspection Fund.

§161.13 VIOLATIONS.

(A) It shall be unlawful for the Owner of a Rental Unit or Rental Unit Community to fail to maintain a valid registration, maintain a valid inspection certificate, or otherwise comply with the provisions of the Elkhart Rental Inspection Program.

(B) If the Owner fails to pay penalties, fees, costs and expenses owed pursuant to the Elkhart Rental Inspection Program, the City may pursue collections as allowed by law, including in the same manner as prescribed by law, including, but not limited to, IC 36-1-6-2, IC 36-7-9-13, and IC 36-7-9-13.5.

(C) Any fine, penalty, costs or expenses collected in connection with the Elkhart Rental Inspection Program shall be deposited into the Elkhart Rental Inspection Fund.

(D) The City of Elkhart, Indiana may file a civil suit to enjoin any violation of the Elkhart Rental Inspection Program.

(E) If an independent inspection report submitted under the Elkhart Rental Inspection Program is found to be fraudulent, falsified, altered, otherwise defective or deceptive, or the result of other misconduct, at any time:

(1) The inspection certificate shall be immediately revoked as set forth in §161.11(C);

(2) The Owner shall immediately, upon notification from the City, contact the Enforcement Authority to schedule an inspection for each Rental Unit by the Enforcement Authority included in the rental property registration application;

(3) The City reserves any and all rights to pursue all remedies available, including, but not limited to the initiation of proceedings for revocation of any professional licenses held by the independent inspector, filing a complaint with the violator's professional licensing agency, if any, and seeking criminal prosecution if warranted by the violation.

§161.14 PENALTY.

(A) If any person, firm, or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this Chapter, for each such violation, failure or refusal, the person, firm, or corporation shall be fined in any sum not more than \$2,500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(B) Failure to register with the Building Commission pursuant to either §161.07(A), §161.07(B), or §161.07(C) (initial registration) is punishable by a fine of \$500 per dwelling unit. Each day is a separate occurrence.

(C) Failure to properly identify the name of the local individual or local property management company for each dwelling unit, pursuant to §161.07(A) through §161.07(F) is punishable by a fine of \$500 per dwelling unit. Each day is a separate occurrence.

(D) Except as provided for violations referenced in subchapter (B) and (C) above, failure to comply with the provisions of §161.06 through §161.08 is punishable by a fine of not more than \$2,500 per Rental Unit for a first violation, or not more than \$7,500 per Rental Unit for a second or subsequent violation. Each day the Rental Unit is not in compliance shall constitute a separate violation. In the event a court finds a penalty assessed under this provision exceeds the maximum permitted by statute, the penalty shall be limited to the maximum permitted by IC 36-1-3-8(a)(10)(B). The assessment of penalties shall in no way limit the other remedies provided elsewhere in the Elkhart Rental Inspection Program, the Code of Ordinances of the Elkhart City, Indiana, or the Indiana Code.

(E) Violations of the Unsafe Building Code shall be addressed as established in IC 36-7-9, as it may be amended from time to time.

Section 3. The Common Council fixed the ____ day of _____, _____, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council would consider and determine the Ordinance, and all taxpayers and interested persons were afforded the opportunity to appear and express their views.

Section 4. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

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SO ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____,
at _____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk