

Richland UDO

Chapter 4: Use Standards

A) General

1. Primary Uses. No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is used for any purpose other than a use which is permitted and specified in a district in which such building or land is located, and which is in accordance with the requirements of this UDO.
2. Temporary Uses. Temporary uses shall be permitted in all zoning districts subject to approval by the Administrator provided that the use will not detrimentally affect the health, welfare, safety, or morals of the neighborhood under consideration for such use. Other uses deemed temporary by the BZA are subject to all conditions the BZA may deem necessary.
 - a. The following are general provisions that must be met before approval:
 - i) The duration of a permit is stated herein, however, the Administrator may renew such permit for a use in thirty (30) day increments if so requested.
 - ii) Temporary uses shall be subject to all of the regulations of the applicable zoning district.
 - iii) Adequate access and off-street parking facilities shall be provided.
 - iv) Public address systems shall not be used in areas of concentrated residential development.
 - v) Floodlights and other lighting shall be directed upon the premises and shall not be detrimental to adjoining properties.
 - vi) Signs shall not flash or blink or resemble traffic and emergency warning signals.
 - vii) Upon termination, the lot shall be put in a clean condition devoid of trash and remnants of the temporary use.
 - b. The following are permitted temporary uses subject to the issuance of an ILP and a Certificate of Occupancy.
 - i) Temporary office,
 - ii) Model home, or
 - iii) Model apartment
 - c. The following are permitted temporary uses subject to the issuance of an ILP.
 - i) Incidental signs on the same property, necessary for the sale, rental, or lease of property.
 - ii) Announcement signs necessary to explain the character of a building enterprise for a maximum of eighteen (18) months.
 - iii) Manufactured homes as emergency shelters when needed until construction or emergency ends.
 - iv) Other uses deemed temporary by the BZA are subject to all conditions the BZA may deem necessary.
 - d. The following are permitted temporary uses that do not require an ILP or Certificate of Occupancy.

- i) Parking area designated for a special event for a maximum of thirty (30) days.
- B) Development Standards for Specific Uses
 - 1. Cemetery or Crematory**
 - a. Minimum Lot Area.
 - i) Minimum Lot Area: 5 acres
 - ii) A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.
 - b. Setbacks.
 - i) Minimum Front Setback: The minimum front setback for the zoning district shall apply.
 - ii) Minimum Side Setback: The minimum side setback for the zoning district shall apply.
 - iii) Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
 - iv) Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.
 - c. Separation from Residential Districts.
 - i) Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
 - ii) The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.
 - d. Landscaping and Bufferyards.
 - i) Required Bufferyards.
 - 1. Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - 2. The restricted use shall provide the bufferyards required at the discretion of the PC or BZA and shall meet the size requirements specified within five (5) years after installation.
 - ii) Bufferyards Abutting Residential Uses.
 - 1. Minimum Bufferyard Required: Bufferyard E + Fence F2
 - 2. Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the BZA.
 - e. Access to Primary or Secondary Streets.
 - i) Maximum Number of Entrances: 2
 - ii) This standard does not apply to entrances for emergency use only.
 - iii) As used in this section the term “entrance” means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.
 - 2. Confined Feeding Operations**
 - a. Minimum Lot Area.

- i) Minimum Lot Area: The standard minimum lot area for the zoning district shall apply.
 - ii) A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.
 - b. Setbacks.
 - i) Minimum Front Setback: The minimum front setback for the zoning district shall apply.
 - ii) Minimum Side Setback: The minimum side setback for the zoning district shall apply.
 - iii) Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
 - iv) Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.
 - c. Separation from Residential Districts.
 - i) Minimum Distance from a Residential District: 1,320 feet or 0.25 miles
 - ii) The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.
 - d. Landscaping and Bufferyards.
 - i) Required Bufferyards.
 - 1. Minimum Bufferyard Required: The standard landscaping and bufferyard requirement for the zoning district shall apply.
 - 2. The restricted use shall provide the bufferyards required at the discretion of the PC or BZA and shall meet the size requirements specified within five (5) years after installation.
 - ii) Bufferyards Abutting Residential Uses.
 - 1. Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - 2. Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the BZA.
 - e. Access to Primary or Secondary Streets.
 - i) Maximum Number of Entrances: The number of entrances is not restricted.
 - ii) This standard does not apply to entrances for emergency use only.
 - iii) As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

3. Home Occupations

- a. Home Occupations. A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business (see Table 7: Permitted Types of Home Occupations). Permitted home occupations shall not adversely

affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service.

Table 7: Permitted Types of Home Occupations

Permitted Uses	Domestic crafts, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work, furniture repair, hair grooming.
Permitted Uses, but limited to advice and consultation	Law, medicine, architecture, engineering, accounting, planning, real estate, insurance, notary public, manufacturer’s agent, clergy, writing, music, painting, photography, academic tutoring, outdoor instructional studio for 1 student at a time.
Prohibited Uses	Real estate office, insurance office, clinic, doctor’s office, dress shop, millinery shop, funeral home, bed and breakfast, outdoor instructional studios for more than 1 student at a time, day care center, animal hospital, kennel, trailer rental, and all uses associated with vehicle dealers, repair, and services.

a. Standards.

- i) The primary use of the primary structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- ii) A home occupation and all activities and materials related to such occupation may be permitted in a single accessory structure provided that such structure is subordinate to the primary residence in terms of height, setback, area, and bulk and compatible with the primary residence in terms of materials.
- iii) The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing in the residence and one (1) non-family member.
- iv) No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- v) No more than twenty-five percent (25%) of the floor area of any one (1) story of the dwelling unit shall be devoted to such home occupation.
- vi) Outside storage of machinery, equipment, or materials shall not be permitted.
- vii) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- viii) No provision for more than two (2) extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district shall be permitted. No part of a minimum required setback distance shall be used for off-

street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.

- ix) No display of goods or external evidence of the home occupation shall be permitted, except for signs in accordance with *Chapter 3, Section E. Signs*.
- x) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- xi) No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

4. Junk Yard/Garbage

- a. Minimum Lot Area.
 - i) Minimum Lot Area: 10 acres
 - ii) A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.
- b. Setbacks.
 - i) Minimum Front Setback: 100 feet
 - ii) Minimum Side Setback: 100 feet
 - iii) Minimum Rear Setback: 100 feet
 - iv) Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.
- c. Separation from Residential Districts.
 - i) Minimum Distance from a Residential District: 1,320 feet or 0.25 miles
 - ii) The restricted use may not be located closer to residential districts than the distance shown, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance shown.
- d. Landscaping and Bufferyards.
 - i) Required Bufferyards.
 - 1. Minimum Bufferyard Required: Bufferyard E + Fence F2
 - 2. The restricted use shall provide the bufferyards required at the discretion of the PC or BZA and shall meet the size requirements specified within five (5) years after installation.
 - ii) Bufferyards Abutting Residential Uses.
 - 1. Minimum Bufferyard Required: The standard landscaping and bufferyards requirement for the zoning district between residential uses shall apply.
 - 2. Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the BZA.
- e. Access to Primary or Secondary Streets.
 - i) Maximum Number of Entrances: 1

- ii) This standard does not apply to entrances for emergency use only.
- iii) As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

5. Kennels

- a. Minimum Lot Area.
 - i) Minimum Lot Area: 3 acres
 - ii) A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.
- b. Setbacks.
 - i) Minimum Front Setback: The minimum front setback for the zoning district shall apply.
 - ii) Minimum Side Setback: The minimum side setback for the zoning district shall apply.
 - iii) Minimum Rear Setback: The minimum rear setback for the zoning district shall apply.
 - iv) Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.
- c. Separation from Residential Districts.
 - i) Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
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- e. Access to Primary or Secondary Streets.
 - i) Maximum Number of Entrances: 1
 - ii) This standard does not apply to entrances for emergency use only.
 - iii) As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.

6. Manufactured Home Park

- a. Minimum Lot Area.
 - i) Minimum Lot Area: 5 acres for the entire park project.
 - ii) A lot on which the restricted use is located may not be smaller in area than the area prescribed for that use.
- b. Setbacks.
 - i) Minimum Front Setback: The minimum front setback for the zoning district shall apply.
 - ii) Minimum Side Setback: The minimum front setback for the zoning district shall apply.
 - iii) Minimum Rear Setback: The minimum front setback for the zoning district shall apply.
 - iv) Setbacks for the restricted use shall include necessary bufferyards. If a setback is not listed, then the standard setback and bufferyard for the zoning district shall apply.
- c. Separation from Residential Districts.
 - i) Minimum Distance from a Residential District: The standard building setback for the zoning district shall apply.
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 - 2. Bufferyards shall be installed to block the specific restricted use from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five (5) years after installation. A Variance may be granted from the requirements of this section by the BZA.
- e. Access to Primary or Secondary Streets.
 - i) Maximum Number of Entrances: The number of entrances is not restricted.
 - ii) This standard does not apply to entrances for emergency use only.
 - iii) As used in this section the term "entrance" means a passageway generally thirty (30) feet wide from a premises to a thoroughfare by which vehicles enter or leave.
- f. Performance Standards. Manufactured homes may be permanently occupied when located in a manufactured home park. Such manufactured home parks require Development Plan

approval and shall be developed in accordance with the requirements of this UDO. Modular homes for permanent occupancy shall have the following requirements:

- i) The placement of any manufactured home requires an ILP.
- ii) No electric lines shall pass over any manufactured home.
- iii) All modular homes shall be skirted prior to being occupied.
- iv) When applicable by the terms of this UDO, accessory structures for storage on individual sites are subject to all applicable setback requirements and require an ILP.
- v) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.
- vi) Resident parking shall be provided either on the trailer site or in common parking facilities, and shall be designed so as not to interfere with pedestrian walkways and to allow adequate space for visitor parking either along the street or in common parking areas.
- vii) Walkways
 1. Where possible, walkways leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks should be at least four (4) feet in width and paved with a suitable material for use in all weather conditions.
 2. Individual walkways shall be provided from a public walkway, street, or parking area to the individual manufactured home stands. These walkways shall be at least eighteen (18) inches in width and should be paved with a suitable material for use in all weather conditions.
- i) Covenants. Covenants shall be submitted and recorded with the Development Plan approval of the Manufactured Home Park. Such covenants must contain/address the following:
 1. The Manufactured Home Park owner shall furnish each occupant of a manufactured home site with a copy of the recorded Covenants.
 2. The placement or replacement of each manufactured home shall be in accordance with and shall follow the procedures set forth by the UDO.
 3. When applicable by the terms of this UDO, accessory structures are in subject to all applicable site setbacks and require an ILP.
 4. It shall be the responsibility of the Manufactured Home Park owner to see that all sites and open spaces are kept in a neat and orderly condition at all times.
 5. In order not to impede safety vehicles, no on-street parking of boats, trailers, semi-trucks, etc. shall be permitted.

7. Unsafe Buildings and Premises

- a. A building or structure, or any part of a building is considered unsafe if it is:
 - i. In an impaired structural condition that makes it unsafe to a person or property;
 - ii. A fire hazard
 - iii. A hazard to the public health;

- iv. A public nuisance;
 - v. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
 - vi. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.
- b. A tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:
- i. A fire hazard;
 - ii. A hazard to the public health;
 - iii. A public nuisance; or
 - iv. Dangerous to a person or property because of a violation of a statute or an ordinance.
- c. The Town of Richland may issue an order requiring action relative to any unsafe premises or building/structures or parts of said buildings/structures, including:
- i. Vacating of an unsafe building;
 - ii. Sealing an unsafe building against intrusion by unauthorized persons
 - iii. Extermination of vermin in and about the unsafe premises;
 - iv. Removal of trash debris, fire hazardous material, or a public health hazard in and about the unsafe premises;
 - v. Repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, or occupancy;
 - vi. Demolition and removal of part of an unsafe building;
 - vii. Requiring, for the unsafe building that will be sealed for a period of more than ninety (90) days.

8. Property Upkeep

- a. Buildings and structures must maintain compliance with town standards, the standards below indicate buildings or structures that will violate building codes;
- i. Deterioration of wood or stucco siding materials, roofs, foundations or floors, peeling paint or lack of paint causing dry rot, warping or terminate infestation;
 - ii. Abandoned and unsecured buildings, broken doors and windows, or buildings left in a state of partial construction;
 - iii. Buildings that are designed for human occupancy that are left vacant for more than ninety (90) days where the premises and building are not being actively maintained;
 - iv. Fences or wall in a hazardous condition or in a state of disrepair;
 - v. Substantial deterioration of porches, landings, patios, stairways, or guardrails;
 - vi. Storage of scattering of trash, debris or other abandoned items in the interior of a vacant building creating a fire hazard or health hazard; and/or
- b. Yard and landscape areas that violate building code are;
- i. Overgrown grass, weeds, trees, or other plant materials that exceeds ten (10) inches in height as measured from the ground to the top of such grass, weeds or similar vegetation to such a degree that is creates a fire hazard, harboring place for

vector, or tendency to depreciate the appearance and property values of surrounding properties;

1. Exemptions:
 - a. Areas located within the corporate town limits which are used for agricultural purposes.
 - b. Ornamental or other decorative grasses or garden plants specifically planted for landscape or human consumption purposes.
 - ii. Overgrown vegetation providing a harboring place for vagrants, other persons, vermin, or other undesirable wildlife;
 - iii. Debris or litter not stored in trash receptacles;
 - iv. Storage of abandoned, broken, wrecked, inoperative or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools, cardboard, newspapers, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, or similar objects except in approved refuse containers;
 - v. Storage of usable building materials for more than 180 days, except during construction or remodeling under a valid building permit, or as may be permitted by the zoning code, and provided they are stored in a neat and orderly manner; and/or
 - vi. Attractive nuisances such as hazardous swimming pools, pond, iceboxes, refrigerators, neglected machinery, excavations, stagnant water, or abandoned wells which could be dangerous to children or other persons.
- c. Those building/structures or yard and landscape that violate this section of the code will receive the following penalties;
- i. Notice of violation shall be given to the owner of the real property by regular U.S. mail to the address shown on tax records or by posting a notice on property in a conspicuous place, which notice shall provide that the owner has ten (10) days from receipt of the notice to cut the weeds and rank vegetation.;
 - ii. If the property owner fails to comply within 10 days, the Town or its contractors may enter the real property and abate a violation of this ordinance. The property owner can be fined up to \$200 dollars.
 - iii. Multiple administration citations may be used for non-compliance; and
 - iv. If more than two (2) inspections for compliance are performed, re-inspection fees may also be charged.
- d. Property owners may appeal the notice by;
- i. filing a notice of appeal with the Clerk-Treasurer requesting a hearing at the next Town Council meeting following a receipt of the notice of violation or the bill;
 - ii. and said matter will be heard at the next Town Council Meeting.
- e. If the property owner fails to pay;
- i. The Clerk-Treasurer shall certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification.
 - ii. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be

collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town.

9. Residential Rental Unit Registration

a. Registration of Rental Units Required.

- i. After January 1, 2016, no Owner of real estate in the town shall use said real estate for the purpose of erecting or maintaining a rental unit without registering each rental unit with the town. All existing rental units shall be registered with the town no later than January 1, 2016.
- ii. Any Owner of real property in the town, which real property is used as rental housing, for all or part of any year, shall be required to register all such properties and obtain a Rental Registration Permit on an annual basis by January 1, of each year.
- iii. This ordinance applies to all rental units located within the town but shall not apply to the following:
 - (1) Occupancy in a single-family, Owner-occupied dwelling unit;
 - (2) Transient occupancy in a hotel, motel or other similar lodging.

b. Rental Registration Permits

- i. There shall be a \$20 annual fee assessed for each apartment, rental dwelling or rental unit, due with the registration form which must be completed each year before a Rental Registration Permit can be issued. The registration shall include the name of the Owner, address of the Owner and street address of the rental unit. Falsification of this information invalidates the registration and it is the property Owner's duty to notify the town should this information change. Notification to the Owner or Owner's agent at the address shown on the application shall constitute sufficient notice pursuant to any provision of this ordinance.
- ii. Whenever Ownership of a rental unit changes, the new Owner shall have the responsibility to report the change in Ownership to the town and pay a \$5 administrative fee per unit within thirty days of the change of Ownership.
- iii. The annual registration forms shall be available at Town Hall and no registration or renewal will be accepted by that office without a showing of full liability, fire or other insurance equal to the value of the property insured, including the cost of demolition of the property. Personal information provided for this purpose will be kept confidential by the town. Alternatively, a bond or letter of credit from a federally insured financial institution may be filed with the town in an amount equal to the value of the property insured or \$25,000, whichever is greater, which will be used to cover the cost of demolition should the property be damaged by fire, accident, natural disaster or lack of maintenance by the Owner.
- iv. All Rental Registration Permits shall be maintained on file and shall be made available for public review by the property Owner, any of the Owner's agents or leasing companies.
- v. If the Owner is not a resident of Spencer County, Indiana, or a county contiguous to Spencer County within the State of Indiana, the name, address and telephone

number of the Owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions and other communications must be included on the Rental Registration Permit. The address of any and all agents shall be within Spencer County, Indiana or a contiguous county within the State of Indiana. Any Owner who does not reside in Spencer County, Indiana or a contiguous county shall be required to designate an agent.

c. Violations

- i. There shall be a \$50 per unit late fee assessed for each rental unit not registered by January 1, of every year.
 - ii. Failure to register any or all real property or unit as rental housing with the town shall constitute a violation of this section and shall subject the Owner to a fine up to \$50 per unit, per day of violation, with second and subsequent violations punishable by up to \$75 per unit, per day.
 - iii. Each day of the violation shall constitute a separate and actionable offense. Fraud in the application process or intentionally failing to provide correct information will invalidate the registration for that year, and the property Owner will have the rental registration for that unit revoked.
 - iv. No landlord or property Owner shall allow, permit, aid, or consent to, ignore obvious, or assist in illegal activity or conduct occurring on his or her property in the town. The use of rental property in the town for illegal activity is grounds for revocation of the Rental Registration Permit for that location. No landlord shall permit a nuisance to occur at the property once notified of said nuisance, and shall inform the tenant that he or she is responsible for following all town ordinances and state laws while residing at that location. A landlord, whose rental registration is up for revocation, may request a hearing before the Town Council, should the town commence a revocation action and the decision of the Town Council may be appealed to the Superior Court as provided by law.
- d. Nothing in this section explicitly or by implication permits any landlord to rent an uninhabitable, unsafe or otherwise dangerous unit and no rental registration refund shall be made for such units. Issuance of a Rental Registration Permit also is not evidence that a property is otherwise fit for human habitation.
- e. The town intends to create an enforceable ordinance which is compliant with all federal and local laws, in the event that this section, or any part of it, or any provision, discount, amendment or any classification contained herein, is found to be unconstitutional, the remaining portion will remain in effect and will be found to be valid, and a single uniform rental registration fee will be imposed for all rental units in the town, and the discount will not be permitted under this section.

Sexually Oriented Business. See Ordinance 2014-04 that establishes requirements and regulations for sexually oriented businesses.