



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, October 9, 2017
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the September 25, 2017 City Council Meeting**
- IV. Approval of the Agenda of the October 9, 2017 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Citizens Academy Graduates**
Presenters: Deputy Chief Jennifer Kindall
Kathy Hill, Community Services Coordinator
- VII. Approval to Purchase Fire Engine**
Presenter: Marion Blackwell, Fire Chief
- VIII. Boards and Commissions – Board of Zoning Appeals**
Presenter: Connie McIntyre, City Clerk
- IX. Ordinances**
 - A. To Amend the Code of the City of Spartanburg 1988, Sections 23-17 and 23-20, of the Nonconsensual Booting and Towing Ordinance (First Reading)**
Presenter: Ed Memmott, City Manager
 - B. To Amend the Code of the City of Spartanburg 1988, Section 9-15, of the Business License Ordinance (First Reading)**
Presenter: Ed Memmott, City Manager

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

X. Ordinance – Second Reading

- A. To Amend the Code of the City of Spartanburg 1988, Chapter 5, Article XI, By Adding a Residential Rental Property Registration and Inspection Program (Second Reading)
Presenter: Ed Memmott, City Manager**

XI. City Council Updates

XII. Executive Session

- A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging A New Investment in the City**

Council may take action on matters discussed in Executive Session after exiting Executive Session.

XIII. Adjournment

** Non-Agenda Items*

City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, September 25, 2017
5:30 p.m.**

**(These minutes are subject to approval at the
October 9, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Stille, Councilmembers Jerome Rice, Sterling Anderson, Rosalyn Henderson Myers, Erica Brown and Alan Jenkins. Assistant City Manager Chris Story and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the minutes of the August 14, 2017, August 28, 2017, and September 11, 2017 City Council Meetings –**
Councilmember Henderson Myers made a motion to approve the minutes as received. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda of the September 25, 2017 City Council Meeting –**
Mayor pro tem Stille made a motion to approve the agenda as received. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment**
**Citizen Appearance forms are available at the door and should be submitted to the City Clerk*
Meghan Smith, 167 Gordon Dr., Spartanburg, SC, spoke concerning Deferred Action for Childhood Arrivals (DACA).
Rev. Phil Vander Ploeg, 250 W. Park Drive, Spartanburg, SC, spoke concerning DACA.
Araceli Hernandez-Laroche, 135 Ponce de Leon Avenue, Spartanburg, SC, spoke concerning DACA.
Janean Scott, 240 Carlisle St., Spartanburg, SC, spoke concerning DACA.
Joye Davis, 37 Villa Rd., St. 412, Greenville, SC, spoke concerning the proposed rental property registration and inspection ordinance.
James Young, 111 Elliot Street, Spartanburg, SC, spoke concerning the proposed rental property registration and inspection ordinance.
Wayne Plylar, 9105 Warren H. Abernathy Hwy., Spartanburg, SC, spoke concerning the proposed rental property registration and inspection ordinance.

- VI. Presentation of Proclamation Recognizing “National Night Out”**
Presenter: Mayor Junie White
Mayor White presented the proclamation to Keith Shambaugh, President of the Hampton Heights Neighborhood Association, who accepted on behalf of several neighborhood associations represented at the meeting.
- VII. Presentation of Proclamation Declaring University of South Carolina Upstate Day**
Presenter: Mayor Junie White
 Mayor White presented the proclamation recognizing the 50th anniversary of USC Upstate to Chancellor Brenden Kelly and Dr. Kathleen Brady.
- VIII. Presentation from USC Upstate Center for Child Advocacy Studies**
Presenter: Chris Story, Assistant City Manager
Dr. Jennifer Parker, Program Director
USC Upstate Center for Child Advocacy Studies
 Dr. Parker overviewed the “Adverse Childhood Experience” study (ACE) that indicates early adversity increases physical, mental, and behavioral problems later in life. She presented statistics of the study, as well as, examples of ACE attributable health and social problems. Dr. Parker stressed the importance of realizing that changes to this issue are up to everyone, reshaping our thoughts, our conversations, the way we relate with one another in relationships, in families, and in communities.
Council received the report as information.
- IX. Resolution**
- A. Certifying two (2) Units as Abandoned Building Sites Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 et seq., of the South Carolina code of Laws (1976), as Amended, Regarding the Property Located at 899 E. Main Street, tax Map Parcel #7-13-01-065.00**
Presenter: Chris Story, Assistant City Manager
 Mr. Story presented the item to Council as follows:
 “899 E. Main Street (Tax Map Parcel # 7-13-01-065.00) contains warehouses that have been unused and in disrepair for many years. It will be redeveloped into a modern self-storage business. The attached resolution certifies that the property has indeed been unused for many years and enables the developer to pursue credits against some state taxes for redeveloping an abandoned building site. It has no impact on local government revenues.”
Councilmember Jenkins made a motion to approve the resolution. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.
- B. Resolution Committing the City of Spartanburg to Providing a Local Match for a Municipal Association of South Carolina Hometown Economic Development Grant**
Presenter: Mitch Kennedy, Community Services Director

Mr. Kennedy presented the item to Council as follows:
“Staff continues to seek strategies to advance the City’s efforts related to Minority Business Development: **Supplier Diversity, Business Development, and Workforce Development**. Staff has had preliminary discussions with partners to define a business development initiative that targets development and support for African American Owned Businesses and businesses seeking to locate within African American Communities. These discussions are in the early stages. However, staff has identified a grant that could help support the development and/or implementation of a program that promotes innovative economic development practices.

The Municipal Association of South Carolina offers Hometown Economic Development Grants to cities and towns to implement economic development projects that will make a positive impact on the quality of life in their communities. The maximum grant award is \$25,000. The City would be required to provide a match of 15% (\$3,750) if awarded the maximum amount based on our population.

The grant is due September 29, 2017, and awards are announced no later than October 31, 2017. Staff feels confident in the City’s ability to provide the information needed for the grant and the capacity to design and implement a program that aligns with the objectives of the grant.

ACTION REQUESTED: Approval of a resolution that allows staff to submit a grant request to The Municipal Association of S.C. and commit the appropriate match requirements.

BUDGET AND FINANCIAL DATA: Grant: MASC.”
Councilmember Rice made a motion to approve the resolution as presented. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

X. Boards and Commissions – Construction Board of Adjustment and Appeals

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Nicholas Gilman’s application for the Construction Board of Adjustments and Appeals for Council’s consideration. Mayor pro tem Stille made a motion to waive the rules and appoint Mr. Gilman. Mayor White seconded the motion, which carried unanimously 7 to 0.

XI. Ordinance

A. To Amend the Code of the City of Spartanburg 1988, Chapter 5, Article XI, By Adding a Residential Rental Property Registration and Inspection Program (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Attached you will find a proposed ordinance to create a rental property registration program. I am recommending Council approval. While recommending approval, I am certainly aware that certain aspects of the proposed program are of concern to certain Councilmembers. As with any proposed legislative initiative, there will be opportunity for any Councilmember to offer amendments to the proposed ordinance to address their specific concerns.”

Mr. Memmott stated that the program was intended to address certain weaknesses that the City currently has in its Code Enforcement efforts. He stated that staff thinks the program would improve the City’s ability to find problems before they are acute with the code conditions of the property. He added that currently, if staff does not get invited in to the property by the tenant, or there is not a tenant complaint, there can be an unsafe condition in the property that staff does not know about. He stated that staff believed the rental property registration, with an inspection component, would address that problem. He also mentioned non-responsive landlords, and the fact the city has a significant segment of city property owners who are not responsive to code citations. Mr. Memmott reviewed the ordinance with Council.

Council engaged in a lengthy discussion of the proposed ordinance. After the discussion, *Mayor pro tem Stille made a motion to approve the rental property registration and inspection program with a \$25 fee, inspection on request or for cause, with a portion of the revenue from the \$25 fee to be used for marketing and education to renters of their rights as tenants. Councilmember Jenkins seconded the motion, which carried 4 to 3. Mayor White, Mayor pro tem Stille, and Councilmembers Anderson and Jenkins voted in favor of the motion. Councilmembers Brown, Henderson Myers and Rice voted against the motion.*

XII. City Council Updates –

Councilmember Brown reminded everyone about the 2nd Annual Melting Pot Music festival from 2 to 10 on Saturday. She mentioned that the following Saturday, October 7, International Festival, featuring Finland would be held from 11:00 to 7:00 at Barnet Park. She asked everyone to keep Puerto Rico in their thoughts and prayers as they are suffering greatly from Hurricane Irma.

Councilmember Jenkins shared he had attended “A Shucking Good Time” fundraiser for SPACE at the Cottonwood Trail. He mentioned that he would be attending the Intercommunity Visit to the Raleigh Durham area to find out what makes those communities work so cohesively. He thanked everyone who came to speak on DACA. He made a motion asking that staff visit language for a resolution to consider at a later meeting. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.

Councilmember Henderson Myers stated that the city, particularly Mitch Kennedy and his staff, did an excellent job with the “Grooving in the Park” event. She added that the citizens really enjoyed being there, it was great seeing local talent, and she hoped this would be an annual event. She shared that she was happy to learn that Instacar was

coming to town since that was one of her campaign platforms. She stated this service was especially good for helping senior citizens and others who are too busy to grocery shop.

Councilmember Rice encouraged everyone to get out and vote for District 31 representative the next day. He mentioned that the Spartanburg Little League football games were played on Monday and Tuesday nights. He reminded everyone about “National Night Out” on Tuesday, October 3. He mentioned “National Walk to School Day” which was Wednesday, October 4. He shared that Patti LaBelle would be performing on October 7 at the Spartanburg Memorial Auditorium.

Mayor pro tem Stille congratulated Max Hyde, who ran unopposed to fill the Council District 4 seat since she would not be running again. She shared that she had been meeting with him regularly to bring him up to speed on many issues so he can hit the ground running. She mentioned that she had a constituent approach her about the idea of considering a resolution designating Spartanburg as a Neighborly City. She read an excerpt from the Twin Falls, Idaho resolution as an example of the wording. She stated that she felt that Council needs to make a similar statement. In addition, she mentioned that a local scout she knows, Seth Reid, is interested in making a plaque or monument stating Spartanburg is a Neighborly City for his Eagle Scout project, and placing it at the flag pole or another designated area. She made a motion to extend Councilmember Jenkins motion to include that Spartanburg is a Neighborly City. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

XIII. Executive Session

A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging A New Investment in the City

Councilmember Henderson Myers made a motion to adjourn to Executive Session for the reason stated. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 7:47 p.m.

Council may take action on matters discussed in Executive Session after exiting Executive Session.

Council reconvened at 8:05 p.m. Mayor White stated that there was discussion with no decisions made.

XIV. Adjournment –

Councilmember Anderson made a motion to adjourn the meeting. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 8:07 p.m.


Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Marion Blackwell, Fire Chief
SUBJECT: Approval to Purchase Engine
DATE: 09/25/2017

BACKGROUND: Over the past year, the Fire Department has researched and prepared a bid specification for (1) Haz-Mat Fire Engine to serve the needs of our citizens and city. The proposed engine will provide fire suppression for primary response in the Duncan Park area of the city with secondary response and primary Hazardous Materials response to all other areas of the city. This Fire Engine is a replacement for a 1990 Pierce Fire Engine that needs to be removed from service after 26 years of service. The build document was prepared by a committee of driver/operators under the direction of Asst. Chief Balmer. The build document was reviewed and approved by Chief Blackwell.

The Fire Engine bid was prepared utilizing a nationwide public bid process through FireRescue GPO (Group Purchasing Organization). The FireRescue GPO process was reviewed by Procurement and Property Management Manager and the process was approved to obtain the Haz-Mat Fire Engine.

Company	Amount
Spartan Fire Apparatus	\$802,777
Prepay Discount	(\$21,803)
Total	\$780,974

ACTION REQUESTED: The Fire Department requests approval to purchase one (1) Haz-Mat Fire Engine from Spartan Fire Apparatus.

BUDGET AND FINANCIAL DATA: The Engine is funded \$765,000 through the Capital Lease approved by Council earlier this year and \$15,974 through the Equipment Replacement Fund.



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Board of Zoning Appeals

CITY RESIDENT: YES NO SEX: M F RACE: White

NAME: Leana Melnichuk

ADDRESS: 317 E Park Ave Spartanburg, SC 29306
Street City, State, Zip Code

BUSINESS PHONE: 208-440-1980 HOME PHONE: _____ EMAIL leana.vitruk@gmail.com

OCCUPATION: Manager, Domains Policy & Relationships

EMPLOYER: AppDetex

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Previously, I have volunteered as a Poll Worker, CFO for a community involvement group, went an a pop up clinic mission in Rwanda. In college, I was part of professional and social organizations: Alpha Kappa Psi, Alpha Xi Delta, Student Programs Board, Student Union Board of Governors.

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I just recently moved to Spartanburg and I really like this city. I want to get involved by providing my expertise in helping build and make our community better place to live for us and those that are to come after us.

RECOMMENDED BY: n/a

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

October 3, 2017
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: Second Amendment to Towing Ordinance
DATE: October 4, 2017

BACKGROUND: Council recently adopted an ordinance that regulates the practice of non-consensual towing of vehicles from private property. Staff is now requesting an amendment to the Towing Ordinance to set administrative procedures for the revocation of a towing permit.

ACTION REQUESTED: First Reading Approval of an ordinance to further amend the Towing Ordinance.

BUDGET AND FINANCIAL DATA:

N/A

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG
1988, SECTIONS 23-17 AND 23-20, OF THE
NONCONSENSUAL BOOTING AND TOWING ORDINANCE

WHEREAS, the City of Spartanburg has determined that it is necessary to amend City Code Sections 23-17 and 23-20, of the Nonconsensual Booting and Towing Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To further amend Section 23-17 of the City Code by adding new subsections (j) and (k) as follows:

(j) It shall be unlawful for a person or business to take or receive any benefit or advantage, including a pecuniary benefit, kickback, or reward from a wrecker service for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property of vehicles parked without authorization. This prohibition does prevent property owners and wrecker services from contracting for towing services.

(k) If a vehicle is towed and the wrecker service has not complied with the requirements provided in this section, the wrecker service operator shall be guilty of a misdemeanor and may, in the discretion of the municipal judge as provided in S.C. Code 1976, § 14-25-75, be subject to reimburse the vehicle owner for all towing and storage charges which the vehicle owner paid.

Section 2. To amend Section 23-20 of the City Code to read as follows:

SEC. 23-20 VIOLATIONS; REVOCATIONS.

(a) Any violation of any of Sections 23-14 through 23-19 may subject the offender to fines of up to \$500 and/or 30 days in jail, per violation, as determined by the City Court. Any violation of any of Sections 23-14 through 23-19 also shall be a ground for suspension and revocation of a business license and for suspension and revocation of a permit issued pursuant to Section 23-18.

(b) When a ground exists to revoke a permit issued pursuant to Section 23-18, the City Manager may suspend the permit and provide written notice of the suspension to the permit holder. The suspension shall remain in effect pending the final decision of the City Manager following a hearing before a hearing officer appointed by the City Manager for the purpose of findings and recommendations as to whether the permit should be revoked. The hearing officer shall be a supervisory employee designated by the City Manager. The notice of suspension shall contain a brief

statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance. The notice also shall state the date, time and place of the hearing before the hearing officer, which shall be within fifteen (15) days of the notice unless additional time is allowed by the hearing officer. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the hearing officer shall govern the hearing. The hearing officer within ten (10) days shall prepare a summarized report of the hearing, to include his or her findings and recommendations, which shall be submitted to the City Manager, who shall issue within ten (10) days a written final decision and notify the permit holder. The written final decision of the City Manager shall be the final administrative action on behalf of the City. Appeal from the written final decision of the City Manager shall be to the circuit court.

(c) Any suspension and revocation of the business license may be appealed pursuant to the provisions of the business license ordinance.

Section 3. Sections 1 and 2 of this Ordinance shall become effective after the date of enactment of this Ordinance.

DONE AND RATIFIED this ___ day of _____, 2017.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: Amendment to City Business License Ordinance
DATE: October 4, 2017

BACKGROUND: Staff is requesting an amendment to the City's Business License Ordinance to clarify grounds for business license revocation. The amendment will also better align Business License revocation procedures with the recently enacted Non-Consensual Towing Ordinance.

ACTION REQUESTED: First Reading Approval of an ordinance to amend the Business License Ordinance.

BUDGET AND FINANCIAL DATA:

N/A

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, SECTION 9-15, OF THE BUSINESS LICENSE ORDINANCE

WHEREAS, the City of Spartanburg has determined that it is necessary to amend City Code Section 9-15, of the Business License Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend subpart B (“Grounds for denial or revocation”) of Section 9-15 (“Denial, Revocation or Suspension”) of the Business License Ordinance of the City Code to add new subsections (9), (10) and (11) to read as follows:

- (9) The licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter.**
- (10) The licensee has engaged in an unlawful activity related to the business.**
- (11) Any other ground specified in any other section of the city code, including section 23-20, as a ground for revocation of a business license.**

Section 2. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this ____ day of _____, 2017.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading

Sec. 9-15. Denial, Revocation or Suspension

A. Generally.

- (1) The City Manager, or his designee, shall have the authority to deny or revoke any business license under the provisions set forth in this article.
- (2) For a period of one year after a revocation of a

business license, no new license shall be granted to:

- (a) The same licensee; or
 - (b) The licensee's agent or any person who can be shown to be acting on the licensee's behalf in attempting to do business in the City.
- (3) For a period of one year after a revocation, no business license shall be granted to any applicant for the operation of the same or similar type of business in the same location without a detailed report compiled from City departments with knowledge or information acquired on the new applicant and the proposed business activity. If the report supports a finding that the new applicant and proposed activity will circumvent the effect of the business license revocation, or that issuance of a new license will perpetuate the conditions giving rise to the revocation, then no new license will be issued.

B. Grounds for denial or revocation. A license application under this article may be denied, or an issued license may be suspended or revoked, upon any of the following grounds:

- (1) Any principal involved with the business who has been convicted, forfeited bond, or pled guilty or nolo contendere within the last ten (10) years for the violation of any local, state, or federal law for which there is a potential penalty of one (1) year or more in jail. Any principal involved with the business who has been convicted, forfeited bond, or pled guilty or nolo contendere within the last five (5) years, regardless of the length of potential penalty for a jail term, to the following offenses:
 - (a) Sale, possession, storage, or transportation of intoxicating liquors, wine or beer;
 - (b) Sale or possession of narcotics or other controlled substances;
 - (c) Gambling or the sale of illegal lottery

tickets;

- (d) Sale of promotion of obscenity;
- (e) Prostitution or soliciting for prostitution;
- (f) Sale or possession of weapons; or
- (g) Crime of dishonest conduct.

When the principal was convicted, forfeited bond, pled guilty or nolo contendere in another state jurisdiction or the jurisdiction within another country, then the offense shall be assessed on the potential jail sentence of the nearest comparable offense under South Carolina law.

For the purposes of this section, the term "principal involved with the business" shall include the applicant, the licensee, and any owner of five percent (5%) or more of the business, the manager of business or financial operations, or the person directly in charge of the premises. The term may also include a major financier of the business when the financing arrangement has the appearance of masking actual ownership. The disqualification for prior offenses is not automatic; however for good cause shown by the business, the denial, suspension, or revocation may be waived or withdrawn upon a finding of mitigating circumstances justifying the issuance in the public interest.

- (2) The licensee's operation of the business constitutes a public nuisance, provided the determination of the public nuisance arises from one or more of the following activities on the premises or in the immediate vicinity thereof and the licensee has actual or constructive knowledge of the activities:
 - (a) Frequent arrests of persons for crimes of violence, possession or sale of controlled substances, possession or sale of deadly weapons, the discharge of fire arms, excessive noise, disorderly conduct, prostitution, disturbance of the peace, and the illegal acts correspond with or relate to the hours of operation of the business

operations of this licensee;

- (b) The police make an unusually high number of response calls, regardless of arrests, to the business premises, or to the immediate vicinity, and the high number of response calls corresponds with or relates to the hours of business operations of the licensee;
 - (c) There are ongoing and significant deposits of litter and debris in the immediate vicinity, whether the persons making the deposits can be identified or not, when the litter and debris relate to the business operations of the licensee; and
 - (d) Material violations of property maintenance codes, environmental codes, fire code, and building codes where violations are applicable to the business premises.
- (3) Failure to provide sufficient security measures to protect people and property located on the premises and to protect people and property located in the immediate vicinity when the immediate vicinity is affected by the business operations of the licensee;
 - (4) The provision of materially false and inaccurate statements in the business license application or to a City official at the time of application;
 - (5) Failure to pay municipal taxes or fees applicable to the premises or business operations when due, including but not limited to, personal and real property taxes, hospitality taxes, accommodation fees and accommodation taxes, property assessments, sewer fees, stormwater fees, and fire alarm and false alarm fees;
 - (6) Failure of an applicant or licensee to show current compliance with applicable state laws related to the operation of business activities, including, but not limited to, any requirement to maintain sanitary kitchen facilities, to be in compliance with permitting requirements for the service of alcoholic beverages, beer and wine, or

to pay state taxes and fees related to business operations in a timely manner.

- (7) Failure to provide full payment to the City within ten (10) days of notice a check returned to the City for insufficient funds. Full payment means the full amount due of the original heck plus costs and fees assessed to the City by its bank for the return of the check presented, as well as any return check fee otherwise assessed by the City.

- (8) Failure to provide substantiation, when asked by the City, that the actual business use of the location for which a business license has been applied for or granted, complies with what is allowed at the location under the City's zoning ordinance. Nothing in this provision shall be interpreted to abrogate or limit any variances, special exceptions, or lawful nonconforming uses, previously established under the City's zoning ordinance. In the case of authorization of signs, structures, and uses, the business owner must demonstrate that the amortization period has not expired. In instances requiring an interpretation of the zoning administrator, such interpretations may be rendered in accordance with the duties assigned to the zoning administrator under the zoning ordinance.

*



MEMORANDUM

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Ordinance to Establish a Residential Rental Property Registration Program

DATE: October 4, 2017

Attached you will find a proposed ordinance to create a rental property registration program. This ordinance is presented to Council for second reading consideration. In addition to the changes made by Council, staff made a few additional minor changes to clarify intent. All of the changes are highlighted in a version of the ordinance as indicated. I have also listed those changes below:

- Section 5-497 Effective Date - Added language to allow for a 3 month grace period for initial registration.
- Section 5-498 Definitions (b) – Added senior/elderly independent living, senior/elderly assisted living housing as property types excluded from registration requirements.
- Section 5-504 Registration Fees - Edited to establish a maximum registration fee of \$250 for any one property owner. For example, a property owner (individual, LLC, or other ownership entity) owning 15 single family rental properties at different addresses would pay a maximum of \$250 in registration fees.
- Section 5-504 (f) – Added paragraph to require all revenue generated from property registration fees be used for specific efforts to improve the condition of rental housing stock, tenant education purposes, or other such purposes that may be approved by Council.
- Section 5-509 Inspections – Edited to remove routine property inspections. Please note that the proposed ordinance would not prevent inspections as a result of a complaint or inspections conducted in the normal course of Property Maintenance Code enforcement.
- Section 5-515 – Inspection of Units Based on Complaints and Obligations of Owners – Deleted in its entirety as redundant based on the changes in inspection procedures.
- Section 5-516 – Inspection of Units Based on Proactive Code Enforcement Efforts and Obligations of Owners – Deleted in its entirety as redundant based on the changes in inspection procedures.

Staff believes this ordinance, with its proposed amendments, is consistent with Council's first reading approval.

Highlighted Changes: Green-Additions and Red-Deletions

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 5, ARTICLE XI, BY ADDING A RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM

WHEREAS, the City of Spartanburg (City) wants to provide safe, clean and healthy living environments for residents; and

WHEREAS, the City has determined it is in the public interest to reduce response time for the correction of housing code deficiencies; and

WHEREAS, the City has determined that efforts to improve neighborhood conditions and reduce blight will benefit from improved compliance to minimum property standards by the owners of rental properties; and

WHEREAS, the City has determined it to be in the public interest to set additional requirements and procedures associated with the operation of residential rental properties as set forth in the Rental Property Registration Program.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend Chapter 5 by adding Article XI, "Residential Rental Property Registration Program" which shall read as follows:

ARTICLE XI. REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

Sec. 5-496. Authority

The City Manager or his designee shall implement and enforce this article and may by written order establish such rules, regulations or procedures, not inconsistent with this article, as the City Manager determines are necessary to discharge any duty under or to effect the policy of this article.

Sec. 5-497. Effective Date

The effective date for property registration shall be January 1, 2018 for properties with residential rental unit(s) which do not have a City Business License. *The City Manager is authorized to administratively extend a grace period until March 31, 2018 for initial registration.*

Highlighted Changes: Green-Additions and Red-Deletions

Sec. 5-498. Definitions

- (a) *Owner* means one or more persons, jointly, severally, or in common, or any organization, including a corporation, trust, estate, partnership, or other legal entity listed as owner of record in the county Register of Deeds Office as owning the real property; provided, however, that the City of Spartanburg Housing Authority is not an owner because it is subject to federal housing inspection.
- (b) *Residential Rental Unit* means a housing unit or residential structure within the City of Spartanburg containing at least one sleeping unit, which is/are leased or rented from the owner or other person in control of such unit, but does not include hotels, motels, dorms, **senior/elderly independent living, senior/elderly assisted living**, medical long-care facilities, and bed and breakfast establishments.
- (c) *Housing Unit* is defined as a single-family residence, duplex unit, boarding room or apartment.
- (d) *Director* is the designee of the City Manager.

Sec. 5-499. Registration Required

As of the effective dates, all residential rental properties in the City must be registered in accordance with this article.

It shall be a violation of this article to operate, collect rent, or to occupy a residential rental unit(s) without complying with requirements of this article.

Sec. 5-500. Expiration and Renewal of Registration

- (a) Residential Rental Property registration shall operate on a January 1-December 31 registration year.

Sec. 5-501. Registration Application – Information Required

- (a) To obtain registration for a residential rental property, a person must submit an application on an application form established by the City Manager. The applicant must be the person who will own, control, or operate the residential rental property. The application must contain the following information:
 - (1) the name, address, email, and telephone number of the applicant or the applicant's authorized agent and owner if not the applicant;
 - (2) the name (if applicable), legal address, and main telephone number, if any, of the residential rental property;

Highlighted Changes: Green-Additions and Red-Deletions

- (3) the name, address, email, and telephone number of a person or persons to contact in an emergency;
- (4) the form of business of the applicant and owner, and if the business is a corporation, association, trust, or limited liability company (llc), a copy of the documents establishing the business;
- (5) the number of units, buildings, or if a boarding house the total number of bedrooms located on the property; and
- (6) the names, addresses, emails, and telephone numbers of all owners, operators, property managers, and other persons in control of the residential rental property.

Sec. 5-502. Obligation to Notify the City of Changes in Registration Information

The owner or operator of the residential rental property shall notify the Director within ten (10) days of any change in the emergency response information or any other changes of information in the registration application.

Sec. 5-503. Legal Agent

All owners of a residential rental property must assign a legal agent who resides in South Carolina to receive legal service of process. Owners residing in South Carolina may assign themselves. The legal agent cannot be the tenant.

Sec. 5-504. Registration Fees

- (a) The initial fee for registration for a residential rental property is \$25.00 per housing unit.
- (b) The maximum registration fee for any one residential rental property **owner**, regardless of the number of housing units, is \$250.00.
- (c) No refund of a registration fee will be made.
- (d) Properties having a valid City of Spartanburg Business License are exempt from registration fees but must provide all registration information. The City Manager shall incorporate registration information in the City Business License application for license applications for rental properties subject to this ordinance.
- (e) Newly constructed or renovated rental housing units that have been fully inspected and approved by the City's building inspection department for occupancy within the year are required to register but are not required to pay the registration fee for the balance of the first year's occupancy.
- (f) **All revenue generated from property registration fees shall be used for specific efforts to improve the condition of rental housing stock, tenant**

Highlighted Changes: Green-Additions and Red-Deletions

education purposes, or other such purposes that may be approved by Council.

Section 5-505. Issuance of Property Registration or Business License

- (a) Upon payment of all required fees and completed application, a property will be registered if it is determined that:
- (1) the applicant has complied with all requirements for issuance of the certificate of registration;
 - (2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;
 - (3) the applicant has no outstanding fees assessed under this article or any other article of the City Code; and
 - (4) the operation of the residential rental property would not violate the City's zoning ordinances.
 - (5) the property has passed inspection if required as determined by the Director.
- (b) If the Director determines that the requirements of subsection (a) have not been met, the Director shall deny registration to the applicant or renewal of the business license, whichever process applies.
- (c) If the Director determines that an applicant should be denied registration or business license, the Director shall notify the applicant and the owner in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

Sec. 5-506. Denial of Registration Renewal or Revocation of Registration or Business License

- (a) The Director shall revoke any registration or business license for residential rental property if the Director determines that:
- (1) the registrant failed to comply with any provision of this chapter, any City ordinance, or any state or federal law applicable to the operation of a residential rental property;
 - (2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;
 - (3) the registrant failed to pay a fee required by this article at the time it was due;
 - (4) operation of the residential rental property violating the City's zoning ordinances; or

Highlighted Changes: Green-Additions and Red-Deletions

- (5) the property, after inspection, has failed to meet the minimum standards required to meet the requirements for registration.
- (b) Before revoking a registration or business license or denial of a registration or business license renewal, the Director shall notify the registrant and owner in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action(s) the registrant or owner must take to prevent the revocation and a statement that the registrant or owner has 10 days to comply with the notice.
- (c) If, after 10 days from receipt of the notice required in subsection (b), the registrant or owner has not complied with the notice, the Director shall revoke the registration or business license and notify the registrant in writing of the revocation. The notice must include the reason for the revocation and the effective date of the denial or revocation. The revocation notice shall contain directions regarding the appeals process.

Sec. 5-507. Appeals

If the Director denies issuance, renewal or revocation of a certificate of registration or revokes a certificate of registration or business license issued pursuant to this article, this action is final unless the applicant or registrant files a written appeal within ten (10) business days with the City Manager. The City Manager will consider the appeal and may reinstate the registration. If the City Manager denies the appeal within ten (10) business days, the property owner may submit a written appeal to the Housing Board of Adjustments and Appeals which will provide a hearing such that the owner can be represented by counsel and provide evidence in the form of testimony and documentation. The hearing shall occur within fourteen (14) business days.

Sec. 5-508. Non-transferability

Registration of a residential rental property is transferable only to new owners of the property as long as the new owners update its business license or registration.

Sec. 5-509. Inspections

General ~~Properties may be selected for registration or business license renewal~~
Registration will not require a routine property inspection ~~by the Director.~~

Inspections of properties subject to Registration will be conducted based on a complaint or may be initiated in the normal course of Property Maintenance Code enforcement practices. Property Maintenance Code enforcement staff should strive for consistency in the inspection process. Inspections should emphasize identification of deficiencies that pose an immediate safety threat. Priority should then be given to significant code violations that (while not presenting an immediate safety hazard to occupants) compromise the overall livability of the unit or have a

Highlighted Changes: Green-Additions and Red-Deletions

significant detrimental impact to the surrounding neighborhood. Minor and/or cosmetic violations may be noted in the inspection process and will not, unless combined with other more serious deficiencies, result in property registration denial or revocation.

Section 510. Inspection Process/Property Evaluation

Each property will start the inspection process with a score of 100.

Points will be deducted for code deficiencies identified in the inspection.

A unit will fail the Residential Rental Property Registration standard and result in the denial or revocation of the property registration or business license should it receive a score of less than 70.

Section 511. Exterior Conditions

Exterior Inspections will assess the outside perimeter of the structure including all of the buildings and common areas on a residential rental property.

Types of Exterior Violations - Exterior violations include, but are not limited to: Foundations/Cross Vents; Roof/Chimney; Windows/Doors; Rotted/Exposed Wood; Hazardous Stairs/Balconies/Rails; Walkways/Landings; Holes/Cracks in Walls; Inadequate Security Lighting; Missing Building/Unit Numbers; Open/Illegal Outside Storage; Trip Hazards; Missing Sewer Caps.

Section 512. Interior Conditions

Interior Inspections will assess the interior of the housing units.

Types of Interior Violations - Interior violations include, but are not limited to: Holes/Cracks in the Walls/Floors/Ceilings; Insect/Rodent Infestation; Not Weather/Watertight (Windows/Doors); Hot Water less than 120 degrees; Missing Security Devices (peephole, deadbolt, locking door knob); Missing T&P Valve; Non-operating A/C and Heat; Subflooring/Flooring/Trip Hazards; Plumbing Fixtures/Faucets/Holes under sink; Leaks/Pipes; Exposed Electrical Wiring/Outlets/Switches

Section 5-513. Life Hazards

Life Hazards are defined as any deficiencies that could cause bodily harm or immediate danger, whether on the exterior of the property or inside a unit. Life hazards are exemplified, but not limited to, the following: Sewage Discharge; Exposed Electrical Wiring; Non-Working Smoke Alarms; Structural Failure; Lack of Heat (cold months); Serious Roof Leak; Insect/Rodent Infestation.

Section 5-514. Life Hazards – Immediate Response and Failure of the Rental Unit

Highlighted Changes: Green-Additions and Red-Deletions

Any life hazards found will result in immediate failure of the unit.

Any life hazards found should result in immediate action by the owner to correct or vacate the property.

Section 5-515. ~~Inspection of Units Based on Complaints and Obligations of Owners~~

~~The City may conduct inspection of units based on complaints. Should an occupant of a unit grant the City access to the interior of the unit, a full inspection will be conducted without notice to the property owner. If the occupant of a unit denies the City access to a unit, the City may demand reasonable access to the interior by notice to the property owner or owner designee. The owner or owner designee must exercise reasonable cooperation to assist the City to obtain interior access for inspection purposes. Failure to reasonably assist the City to gain access may result in the City seeking registration revocation.~~

~~Section 5-516. Inspection of Units Based on Proactive Code Enforcement Efforts and Obligations of Owners~~

~~The City may from time to time conduct proactive code enforcement efforts. If during these inspection efforts, an occupant of a unit grants the City access to the interior of the unit, a full inspection will be conducted without notice to the property owner. If the occupant of the unit denies the City access to a unit, the City may demand reasonable access to the interior by notice to the property owner or owner designee. The owner or owner designee must exercise reasonable cooperation to assist the City to obtain interior access for inspection purposes. Failure to reasonably assist the City to gain access may result in the City seeking registration revocation.~~

~~Sec. 5-517. Inspection and Re-Inspection Fees~~

Initial inspection fees are set as follows:

Should ~~the~~^{thea} property fail to meet minimum standards at the initial inspection and first re-inspection, the property owner or his authorized agent will be required to pay the following re-inspection fees:

- (1) \$75 for the second re-inspection;
- (2) \$100 for the third re-inspection;
- (3) \$125 for the fourth re-inspection;
- (4) \$150 for the fifth or more re-inspection.

Re-inspection fees may be adjusted by Council from time-to-time.

Sec. 5-5186. Inspection of Multi-family Units

Highlighted Changes: Green-Additions and Red-Deletions

~~Multi-family inspections will be conducted under procedures established by the City Manager with the intent of conducting interior inspections of a representative sample of apartment units to reasonably determine the condition of the apartment complex as a whole. Should inspections indicate code violations that would likely be applicable to other units, the Director may require additional inspections as is reasonably necessary to determine safety and compliance to the requirements of the Residential Rental Property Registration Program for the entire multi-family complex.~~ The City Manager shall establish procedures for the inspection of multi-family units should inspections occur in the normal course of Property Maintenance Code enforcement.

Registration will be denied or revoked only for units which have failed to meet inspection requirements

~~Sec. 5-5197.~~ Obligation to Comply with Building Codes and Obtaining Necessary Approvals from City Building Official

Nothing in this article relieves any property owner or owner's contractor from complying with requirements to obtain necessary electrical, plumbing, HVAC, roofing, or building permits and inspection approvals of any applicable building code.

~~Sec. 5-520518.~~ Penalties and Fines

If this matter comes before the Municipal Court and the party is in violation, the Court may impose penalties of up to Five Hundred Dollars (\$500) per day against the person(s) responsible, for each day from the day the initial notice was issued until such time it is confirmed that the property is no longer in violation, and/or thirty (30) days in jail, any other alternative remedies under local or state law, and the City seeking any other relief authorized by law.

Section 2. This Ordinance to become effective January 1, 2018.

DONE AND RATIFIED this ____ day of _____, 2017.

Junie L. White, Mayor.

ATTEST:

Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

Highlighted Changes: Green-Additions and Red-Deletions

Cathy Hofer McCabe, City Attorney.

 / / 1st Reading
 / / 2nd Reading

CLEAN COPY

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 5, ARTICLE XI, BY ADDING A RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM.

WHEREAS, the City of Spartanburg (City) wants to provide safe, clean and healthy living environments for residents; and

WHEREAS, the City has determined it is in the public interest to reduce response time for the correction of housing code deficiencies; and

WHEREAS, the City has determined that efforts to improve neighborhood conditions and reduce blight will benefit from improved compliance to minimum property standards by the owners of rental properties; and

WHEREAS, the City has determined it to be in the public interest to set additional requirements and procedures associated with the operation of residential rental properties as set forth in the Rental Property Registration Program.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend Chapter 5 by adding Article XI, "Residential Rental Property Registration Program" which shall read as follows:

**ARTICLE XI. REGISTRATION OF
RESIDENTIAL RENTAL PROPERTIES**

Sec. 5-496. Authority

The City Manager or his designee shall implement and enforce this article and may by written order establish such rules, regulations or procedures, not inconsistent with this article, as the City Manager determines are necessary to discharge any duty under or to effect the policy of this article.

Sec. 5-497. Effective Date

The effective date for property registration shall be January 1, 2018 for properties with residential rental unit(s) which do not have a City Business License. The City Manager is authorized to administratively extend a grace period until March 31, 2018 for initial registration.

Sec. 5-498. Definitions

- (a) ***Owner*** means one or more persons, jointly, severally, or in common, or any organization, including a corporation, trust, estate, partnership, or other legal entity listed as owner of record in the county Register of Deeds Office as owning the real property; provided, however, that the City of Spartanburg Housing Authority is not an owner because it is subject to federal housing inspection.
- (b) ***Residential Rental Unit*** means a housing unit or residential structure within the City of Spartanburg containing at least one sleeping unit, which is/are leased or rented from the owner or other person in control of such unit, but does not include hotels, motels, dorms, senior/elderly independent living, senior/elderly assisted living, medical long-care facilities, and bed and breakfast establishments.
- (c) ***Housing Unit*** is defined as a single-family residence, duplex unit, boarding room or apartment.
- (d) ***Director*** is the designee of the City Manager.

Sec. 5-499. Registration Required

As of the effective dates, all residential rental properties in the City must be registered in accordance with this article.

It shall be a violation of this article to operate, collect rent, or to occupy a residential rental unit(s) without complying with requirements of this article.

Sec. 5-500. Expiration and Renewal of Registration

- (a) Residential Rental Property registration shall operate on a January 1-December 31 registration year.

Sec. 5-501. Registration Application – Information Required

- (a) To obtain registration for a residential rental property, a person must submit an application on an application form established by the City Manager. The applicant must be the person who will own, control, or operate the residential rental property. The application must contain the following information:
 - (1) the name, address, email, and telephone number of the applicant or the applicant’s authorized agent and owner if not the applicant;
 - (2) the name (if applicable), legal address, and main telephone number, if any, of the residential rental property;

- (3) the name, address, email, and telephone number of a person or persons to contact in an emergency;
- (4) the form of business of the applicant and owner, and if the business is a corporation, association, trust, or limited liability company (llc), a copy of the documents establishing the business;
- (5) the number of units, buildings, or if a boarding house the total number of bedrooms located on the property; and
- (6) the names, addresses, emails, and telephone numbers of all owners, operators, property managers, and other persons in control of the residential rental property.

Sec. 5-502. Obligation to Notify the City of Changes in Registration Information

The owner or operator of the residential rental property shall notify the Director within ten (10) days of any change in the emergency response information or any other changes of information in the registration application.

Sec. 5-503. Legal Agent

All owners of a residential rental property must assign a legal agent who resides in South Carolina to receive legal service of process. Owners residing in South Carolina may assign themselves. The legal agent cannot be the tenant.

Sec. 5-504. Registration Fees

- (a) The initial fee for registration for a residential rental property is \$25.00 per housing unit.
- (b) The maximum registration fee for any one residential rental property owner, regardless of the number of housing units, is \$250.00.
- (c) No refund of a registration fee will be made.
- (d) Properties having a valid City of Spartanburg Business License are exempt from registration fees but must provide all registration information. The City Manager shall incorporate registration information in the City Business License application for license applications for rental properties subject to this ordinance.
- (e) Newly constructed or renovated rental housing units that have been fully inspected and approved by the City's building inspection department for occupancy within the year are required to register but are not required to pay the registration fee for the balance of the first year's occupancy.
- (f) All revenue generated from property registration fees shall be used for specific efforts to improve the condition of rental housing stock, tenant education purposes, or other such purposes that may be approved by Council.

Section 5-505. Issuance of Property Registration or Business License

- (a) Upon payment of all required fees and completed application, a property will be registered if it is determined that:
- (1) the applicant has complied with all requirements for issuance of the certificate of registration;
 - (2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;
 - (3) the applicant has no outstanding fees assessed under this article or any other article of the City Code; and
 - (4) the operation of the residential rental property would not violate the City's zoning ordinances.
 - (5) the property has passed inspection if required as determined by the Director.
- (b) If the Director determines that the requirements of subsection (a) have not been met, the Director shall deny registration to the applicant or renewal of the business license, whichever process applies.
- (c) If the Director determines that an applicant should be denied registration or business license, the Director shall notify the applicant and the owner in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

Sec. 5-506. Denial of Registration Renewal or Revocation of Registration or Business License

- (a) The Director shall revoke any registration or business license for residential rental property if the Director determines that:
- (1) the registrant failed to comply with any provision of this chapter, any City ordinance, or any state or federal law applicable to the operation of a residential rental property;
 - (2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration;
 - (3) the registrant failed to pay a fee required by this article at the time it was due;
 - (4) operation of the residential rental property violating the City's zoning ordinances; or
 - (5) the property, after inspection, has failed to meet the minimum standards required to meet the requirements for registration.
- (b) Before revoking a registration or business license or denial of a registration or business license renewal, the Director shall notify the registrant and owner

in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action(s) the registrant or owner must take to prevent the revocation and a statement that the registrant or owner has 10 days to comply with the notice.

- (c) If, after 10 days from receipt of the notice required in subsection (b), the registrant or owner has not complied with the notice, the Director shall revoke the registration or business license and notify the registrant in writing of the revocation. The notice must include the reason for the revocation and the effective date of the denial or revocation. The revocation notice shall contain directions regarding the appeals process.

Sec. 5-507. Appeals

If the Director denies issuance, renewal or revocation of a certificate of registration or revokes a certificate of registration or business license issued pursuant to this article, this action is final unless the applicant or registrant files a written appeal within ten (10) business days with the City Manager. The City Manager will consider the appeal and may reinstate the registration. If the City Manager denies the appeal within ten (10) business days, the property owner may submit a written appeal to the Housing Board of Adjustments and Appeals which will provide a hearing such that the owner can be represented by counsel and provide evidence in the form of testimony and documentation. The hearing shall occur within fourteen (14) business days.

Sec. 5-508. Non-transferability

Registration of a residential rental property is transferable only to new owners of the property as long as the new owners update its business license or registration.

Sec. 5-509. Inspections

General – Registration will not require a routine property inspection. Inspections of properties subject to Registration will be conducted based on a complaint or may be initiated in the normal course of Property Maintenance Code enforcement practices. Property Maintenance Code enforcement staff should strive for consistency in the inspection process. Inspections should emphasize identification of deficiencies that pose an immediate safety threat. Priority should then be given to significant code violations that (while not presenting an immediate safety hazard to occupants) compromise the overall livability of the unit or have a significant detrimental impact to the surrounding neighborhood. Minor and/or cosmetic violations may be noted in the inspection process and will not, unless combined with other more serious deficiencies, result in property registration denial or revocation.

Section 510. Inspection Process/Property Evaluation

Each property will start the inspection process with a score of 100.

Points will be deducted for code deficiencies identified in the inspection.

A unit will fail the Residential Rental Property Registration standard and result in the denial or revocation of the property registration or business license should it receive a score of less than 70.

Section 511. Exterior Conditions

Exterior Inspections will assess the outside perimeter of the structure including all of the buildings and common areas on a residential rental property.

Types of Exterior Violations - Exterior violations include, but are not limited to: Foundations/Cross Vents; Roof/Chimney; Windows/Doors; Rotted/Exposed Wood; Hazardous Stairs/Balconies/Rails; Walkways/Landings; Holes/Cracks in Walls; Inadequate Security Lighting; Missing Building/Unit Numbers; Open/Illegal Outside Storage; Trip Hazards; Missing Sewer Caps.

Section 512. Interior Conditions

Interior Inspections will assess the interior of the housing units.

Types of Interior Violations - Interior violations include, but are not limited to: Holes/Cracks in the Walls/Floors/Ceilings; Insect/Rodent Infestation; Not Weather/Watertight (Windows/Doors); Hot Water less than 120 degrees; Missing Security Devices (peephole, deadbolt, locking door knob); Missing T&P Valve; Non-operating A/C and Heat; Subflooring/Flooring/Trip Hazards; Plumbing Fixtures/Faucets/Holes under sink; Leaks/Pipes; Exposed Electrical Wiring/Outlets/Switches

Section 5-513. Life Hazards

Life Hazards are defined as any deficiencies that could cause bodily harm or immediate danger, whether on the exterior of the property or inside a unit. Life hazards are exemplified, but not limited to, the following: Sewage Discharge; Exposed Electrical Wiring; Non-Working Smoke Alarms; Structural Failure; Lack of Heat (cold months); Serious Roof Leak; Insect/Rodent Infestation.

Section 5-514. Life Hazards – Immediate Response and Failure of the Rental Unit

Any life hazards found will result in immediate failure of the unit.

Any life hazards found should result in immediate action by the owner to correct or vacate the property.

Section 5-515. Inspection and Re-Inspection Fees

Initial inspection fees are set as follows:

Should a property fail to meet minimum standards at the initial inspection and first re-inspection, the property owner or his authorized agent will be required to pay the following re-inspection fees:

- (1) \$75 for the second re-inspection;
- (2) \$100 for the third re-inspection;
- (3) \$125 for the fourth re-inspection;
- (4) \$150 for the fifth or more re-inspection.

Re-inspection fees may be adjusted by Council from time-to-time.

Sec. 5-516. Inspection of Multi-family Units

The City Manager shall establish procedures for the inspection of multi-family units should inspections occur in the normal course of Property Maintenance Code enforcement.

Registration will be denied or revoked only for units which have failed to meet inspection requirements

Sec. 5-517. Obligation to Comply with Building Codes and Obtaining Necessary Approvals from City Building Official

Nothing in this article relieves any property owner or owner's contractor from complying with requirements to obtain necessary electrical, plumbing, HVAC, roofing, or building permits and inspection approvals of any applicable building code.

Sec. 5-518. Penalties and Fines

If this matter comes before the Municipal Court and the party is in violation, the Court may impose penalties of up to Five Hundred Dollars (\$500) per day against the person(s) responsible, for each day from the day the initial notice was issued until such time it is confirmed that the property is no longer in violation, and/or thirty (30) days in jail, any other alternative remedies under local or state law, and the City seeking any other relief authorized by law.

Section 2. This Ordinance to become effective January 1, 2018.

DONE AND RATIFIED this ____ day of _____, 2017.

Junie L. White, Mayor.

ATTEST:

Connie S. McIntyre, City Clerk.

APPROVED AS TO FORM:

Cathy Hoefer McCabe, City Attorney.

___/___/___ 1st Reading

___/___/___ 2nd Reading