



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, July 24, 2017
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the July 10, 2017 City Council Meeting**
- IV. **Approval of the Agenda of the July 24, 2017 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Presentation – 2017 SAIYL**
Presenter: Kim Moultrie, Parks and Recreation Superintendent
- VII. **Discussion of Proposed Residential Rental Property Registration Program**
Presenter: Ed Memmott, City Manager
- VIII. **Consent Agenda**
 - A. **To Amend the Code of the City of Spartanburg 1988 Sections 23-17 and 23-19, and to Add a New Section 23-20, to the Nonconsensual Booting and Towing Ordinance (Second Reading)**
Presenter: Ed Memmott, City Manager
- IX. **City Council Updates**
- X. **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.

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.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, July 10, 2017
5:30 p.m.**

**(These minutes are subject to approval at the
July 24, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Laura Stille, Councilmembers Jerome Rice, Sterling Anderson, Rosalyn Henderson Myers, Erica Brown and Alan Jenkins. City Manager Ed Memmott 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 June 26, 2017 City Council Meeting –
*Councilmember Jenkins made a motion to approve the minutes as received.
Councilmember Henderson Myers seconded the motion, which carried
unanimously 7 to 0.*

IV. Approval of the Agenda of the July 10, 2017 City Council Meeting –
*Councilmember Rice made a motion to approve the agenda as received.
Councilmember Brown 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

VI. Ordinance

A. To Amend the Code of the City of Spartanburg 1988 Sections 23-17 and 23-19, and to Add a New Section 23-20, to the Nonconsensual Booting and Towing Ordinance (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Staff is requesting Council approval of an ordinance that will amend the Nonconsensual Towing Ordinance. The proposed amendments would require towing operators to have a storage facility in the city or within 2 miles of the city, staff storage facilities for a minimum number of hours, allow for the recovery of

personal property from a vehicle in storage, and allow an owner or authorized driver to recover a towed vehicle.

Additionally, the amendment would clarify procedures for revocation of a towing permit and/or the business license of a towing company that violates the ordinance. The provisions for having a storage facility in or within 2 miles of the city and staffing of the storage facility would take effect 30 days after approval of the ordinance. Other amendments would take effect immediately upon adoption. ACTION REQUESTED: First reading consideration of the ordinance.”

After discussion, Mayor pro tem Stille made a motion to approve the ordinance as presented on first reading. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

VII. Resolution

A. Approving the Leasing of City Owned Property Located at 254 Farley Street and 258 Farley Street to The Hub City Farmer’s Market

Presenter: Martin Livingston, Neighborhood Services Director

Mr. Livingston presented the item to Council as follows:

“Staff is requesting approval of a resolution to lease property located at 254 Farley Street and 258 Farley Street to the hub city farmers’ market. The lease is for the operation of an urban farm and garden on both sites adjacent to the butterfly creek mitigation and park project. Lease of the two properties would be for a two year period ending midnight June 30, 2019, with an opportunity to renew. The farm and garden are currently in operation and this lease agreement would clarify roles, responsibilities, and lease termination requirements.

Action requested: Approval of lease agreement between the city of Spartanburg and hub city farmers’ market for the lease of city owned property located at 254 and 258 Farley Street.”

Councilmember Brown made a motion to approve the resolution as presented. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

B. Certifying Three (3) 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 called The Converse Alumni House Located at 589 E. Main Street, Tax Map Parcel # 7-12-08-109.00.

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to Council as follows:

“In late 2016, 589 East Main Street, LLC announced plans to perform a full historic restoration and renovation to 589 E. Main Street, known by many as the Converse College Alumnae House or Cleveland House. The property will be converted into market rate apartments. We believe this is an appropriate reuse for this prominent structure which will be complementary to its surroundings. Its renovation will be in full compliance with historic standards as supervised by the

SC State Historic Preservation Office. The property is currently not taxable. This repurposing will add it to the local tax rolls.

The attached resolution enables the developer to pursue credits against some state taxes. It has no impact on local government revenues. We recommend your approval and welcome any questions you may have.”

Mayor pro tem Stille made a motion to approve the resolution as presented. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.

VIII. Other Business

A. Boards and Commissions Update

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented the Boards and Commissions list. Council’s action follows:

Councilmember Anderson made a motion to reappoint all board members who had agreed to serve another term. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

Ms. McIntyre explained that there were more applications than vacancies on a few of the committees and asked if Council wanted to form an interview committee for the applicants or exercise the option of waiving interviews and appoint one of the applicants. Council agreed to move forward with going through the list of each committee.

The reappointments were as follows:

Accommodations Tax Committee: Scott Ellis

*Airport Advisory Board: Bradley Grant Colburn
Terrence T. Connorton
Hamp Lindsey*

*Architectural Design and Historic Review: Thomas Koenig
Sarah Love*

Bike and Ped Committee: Bryan Burnett

*Construction Board of Adjustment and Appeals: Harry Clayton
Stephen Parks*

*Planning Commission: Howard Kinard
Bob Pitts*

*Public Safety Committee: James Bittner
Brad Wright*

Storm Water Appeals Board: Winthrop Allen
William C. Schwartz, Jr.

Board of Zoning Appeals: Don Bramblett

The new appointments were as follows:

Airport Advisory Board: Councilmember Anderson made a motion to waive the rules and appointment **Timothy Lankford** to the Airport Advisory Board. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

Architectural Design and Historic Review: Councilmember Brown made a motion to waive the rules and appoint **Melissa Walker and Meg Reid** to the HARB. Councilmember Anderson seconded the motion. Councilmember Jenkins and Mayor pro tem Stille raised the question of having three good candidates and not interviewing all of them before voting. After discussion, Mayor White called for the vote. The vote was 6 to 1, with Councilmember Jenkins voting against the motion. Motion carried.

Bike and Ped Committee: Councilmember Anderson made a motion to waive the rules and appoint **Ralph Hilsman and Marc Zachary** to the Bike and Ped Committee. Councilmember Rice seconded the motion, which carried 6 to 1. Councilmember Jenkins voted against the motion.

Construction Board of Adjustment and Appeals: Councilmember Jenkins made a motion to waive the rules and appoint **Delino Bilbraut, Bryan Lawson, and William Gray** to the Construction Board of Adjustments and Appeals. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.

Planning Commission: Mayor White made a motion to waive the rules and appoint **William Luke Quillen** to the Planning Commission. Councilmen Rice seconded the motion, which carried unanimously 7 to 0.

Public Safety Committee: Councilmember Rice made a motion to waive the rules and appoint **Michael Byers and Luther Nesbitt III** to the Public Safety Committee. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

B. Environmental Sustainability Report

Presenter: Ed Memmott, City Manager

Mr. Memmott responded to Council's request concerning environmental sustainability highlighting the following:

City Efforts -

A series of projects/efforts to reduce fossil fuel consumption/GHG emissions, improve water quality, and promote more environmentally sustainable development:

- Adoption of the Urban Code
- Conversion of city traffic signals and downtown LED lighting
- Enhanced recycling efforts
- Installation of 15 electric vehicle charging stations
- Two hybrid Sparta buses
- One CNG garbage truck
- SC's first urban creek mitigation project (Butterfly Creek)
- Numerous projects to promote more walking/biking

Most local efforts, as a first step, focus on reduction of Greenhouse Gas Emissions

CARBON DIOXIDE (CO₂)
METHANE (CH₄)
NITROUS OXIDE (N₂O)
HYDROFLUOROCARBONS (HFC)
PERFLUOROCARBONS (PFC)
SULFUR HEXAFLUORIDE (SF₆)

City GHG Emissions – Likely Sources

- ◆ Vehicle Fleet
- ◆ Building Facilities
- ◆ Streetlights and Signals
- ◆ Sparta
- ◆ Employee Commute

A GHG reduction effort would require:

- ◆ data collection on current emissions
- ◆ evaluation to determine greatest impact/ROI
- ◆ long term commitment

A GHG reduction effort could have financial implications.

Urban Sprawl

Council received the report as information.

Councilmember Jenkins made a motion directing staff to gather information on the City's current carbon footprint and report back to Council. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

IX. City Council Updates

Councilmember Anderson commented that he has had several constituents contact him regarding Briarwood Rd. being used as a cut through on the west side, thus creating

safety issues. He also mentioned the street paving currently taking place, and the street cuts and lack of proper preparation by the utility companies during the process.

Councilmember Brown congratulated staff on a job well done with Red, White, and Boom. She mentioned the House District 31 Meet The Candidates event on July 17.

Mayor pro tem Stille mentioned the final two “Walk With Your Elected Officials” sponsored by The Mary Black Foundation, on August 12 and Oct 14.

Councilmember Jenkins applauded Parks and Recreation for the “Let’s Play” truck. He shared that his little girl loved the truck.

Councilmember Henderson Myers stated she had received questions from her constituents on how the city decides which streets will be paved and hoped to receive more information regarding that process in the future. She shared she had also received calls regarding safety and lighting in a housing development in her district. She stated that citizens were always encouraged to come to Council with concerns.

Councilmember Rice concurred that citizens should come forward to Council with any concerns. He mentioned that tennis was being taught to young people through our Parks and Recreation at Duncan Park.

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

Councilmember Brown made a motion to adjourn to Executive Session. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0. Council adjourned to Executive Session at 6:48 p.m.

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

Council reconvened at 7:08. Mayor White stated discussion was held with no decisions made.

XI. Adjournment – Councilmember Brown made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:10 p.m.



Connie S. McIntyre, City Clerk



MEMORANDUM

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Residential Rental Property Registration Program

DATE: July 19, 2017

Staff will brief Council on a proposed residential rental property registration program at the July 24 City Council meeting. Staff is not asking for formal Council approval at this time. Should Council want to move forward, staff would bring forward a final proposed ordinance in August.

Staff believes adoption of a residential rental property registration program will, over time, improve housing conditions. Initial expectations about the program should be limited however. A registration program will address only one subset of properties. It will not address every housing challenge.

Staff also acknowledges that a residential rental property registration program will add new regulatory burdens to rental property owners. Staff has considered input from property owners and managers and has attempted to reasonably address their concerns by streamlining the process to the extent possible. Staff has also attempted to incorporate specific language in the ordinance that is reflective of program intent. Staff's efforts in this regard have not, however, relieved all of the concern of rental property owners.

Staff has also received input from neighborhood residents regarding the program. Residents want the city to deal with problem rental problems more effectively. Staff has been candid in its assessment of the potential benefits and limitations of the program. Residents have encouraged staff to move forward with the program.

Given the varying opinions regarding the proposed program, I am requesting that Council allow public comment specifically on this program after staff has made its presentation and responded to any Council questions.

A draft ordinance is attached. Staff anticipates that full implementation would take approximately 15 months. Should Council pass the ordinance, staff would initially focus its attention on registration of all properties subject to the ordinance. I anticipate that process could be completed by March 31, 2018. Staff would then turn its attention to preparing for the first registration renewal and inspections. I look forward to review of the proposed program by Council.

DRAFT

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.

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.
- (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, 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, 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.

Section 5-505. Issuance of Property Registration

- (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.
- (c) If the Director determines that an applicant should be denied registration, 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

- (a) The Director shall revoke any registration 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 denial of a registration 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 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 issued pursuant to this article, this action is final unless the applicant or registrant files a written appeal with the City Manager. The City Manager will consider the appeal and may reinstate the registration. If the City Manager denies the appeal, the property owner may submit a written appeal to the Housing Board of Adjustments and Appeals.

Sec. 5-508. Non-transferability

Registration of a residential rental property is not transferable.

Sec. 5-509. Inspections

General - Properties may be selected for registration renewal inspection by the Director.

Inspections 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 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: Dead trees/branches; High Weeds; Litter; Graffiti; Parking Lot (striping, potholes); Screening Fences (perimeter, dumpster, etc.); 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; Overflowing Dumpsters; Junk items and Debris.

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 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 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. 5-518. Inspection of Multi-family Units

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.

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

Sec. 5-519. 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. 5-520. 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