

**ORDINANCE NO. 2006-07-48
RZ06-028**

1st Reading: June 20, 2006

2nd Reading: July 18, 2006

**STATE OF GEORGIA
COUNTY OF FULTON**

**AN ORDINANCE AMENDING CHAPTER 11, BUSINESS OCCUPATION TAX,
LICENSES, AND REGULATION, OF THE FUTURE CODE OF ORDINANCES OF THE
CITY OF SANDY SPRINGS BY ADDING
ARTICLE 12: MULTI FAMILY RENTAL HOUSING**

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of the Sandy Spring; and

WHEREAS, O.C.G.A. § 8-2-25(a) provides for state-wide application of certain state minimum standard codes and municipal enforcement of such codes; and

WHEREAS, O.C.G.A. § 8-2-25(b) and (c) provide for the municipal adoption and enforcement of other state minimum standard codes and allow for municipalities to adopt more stringent codes based on public safety factors; and

WHEREAS, the City of Sandy Springs has adopted all such state minimum codes and such adoption is codified as Chapter 9, Article 1 of the City of Sandy Springs Code of Ordinances; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs have determined through previous City inspections, studies (including, "Underenforcing the Housing Code," H. Laurence Ross, 1996) and experiences of other cities including Memphis, Tennessee and Baltimore, Maryland that a decline in the integrity of multifamily rental units is a danger to the health, safety, and welfare of the tenants of such units; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs have further determined that a decline in the integrity of multifamily rental units has a negative impact on the public, including secondary effects of increased crime in such areas, deterioration of property values and aesthetic concerns; and

WHEREAS, O.C.G.A. § 8-2-26 allows for the adoption of any reasonable provisions for the enforcement of the state minimum standard codes and provides for inspections of buildings or similar structures to ensure compliance with the state minimum standard codes; and

WHEREAS, O.C.G.A. § 48-13-6 provides for the levy, assessment, and collection of occupation taxes on those businesses and practitioners of professions and occupations which have location within the corporate limits; and

WHEREAS, O.C.G.A. § 48-13-5 provides that renting or leasing real property to another at a site within a City is an occupation, profession or business; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs recognize the inherent dangers of residing in buildings or structures that do not meet the state minimum standard codes, and further recognize a lessee's or tenant's right to privacy; and

WHEREAS, landlords, owners, lessors, or agents of landlords, owners, or lessors have the duty, under O.C.G.A. § 44-7-13, and such cases as Thompson v. Crownover, 259 Ga. 126, 381 S.E.2d 283 (1989), to keep rental premises in repair; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs have determined that protection of the health, safety, and welfare of the citizens of Sandy Springs requires that property that is being rented or leased meet the state minimum standard codes:

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Chapter 11, *Business Occupation Tax, Licenses, and Regulation*, of the future Code of Ordinances of the City of Sandy Springs, Georgia is hereby amended by adding Article 12 to read as follows:

Article 12: Multifamily Rental Housing

Section 1: Definitions

As used in this subsection, the following terms shall have the meaning respectively ascribed to them as follows:

Certified Building Inspector shall mean any person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one of the following certifications from SBCCI (ICC): Property Maintenance and Housing Inspector, Housing Rehabilitation Inspector, Building Inspector, Building Plan Examiner or Commercial Combination Inspector.

Code of Compliance Certificate shall mean a certificate, substantially similar to Exhibit "A" attached hereto and incorporated herein, executed by a Certified Building Inspector and stating compliance with those minimum standards described in the Inspection Report attached thereto.

Inspection Report shall mean the report attached to the Code Compliance Certificate describing minimum requirements for inspection of each unit.

Lease shall mean any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily Rental Dwelling shall mean any multifamily structure, multifamily building, or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to multiple family dwellings, multiple family apartment units, boarding houses, rooming houses, group homes, and flats.

Multifamily Rental Unit shall mean any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

Occupancy shall mean all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner shall mean any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-Occupied shall mean any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises shall mean any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

Section 2: Fee and Certificate Required

All owners of multifamily rental dwellings or multifamily rental unit(s) within the City that receive income for use of four (4) or more such dwellings or units and meet the requirements of O.C.G.A. Section 48-13-5 for having a location or office within the City (a) shall be subject to an occupation tax as provided in this Article and (b) shall provide to the City, prior to September 1, 2006, a Code Compliance Certificate covering one hundred percent (100%) of the Multi-Family Rental Units within the twelve (12) month period immediately proceeding the date of the certification. Said Code Compliance Certificate shall be certified by the Owner that all units inspected are in compliance with those standards contained in the Code Compliance Certificate and Inspection Report. For the initial year of construction, this Section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the City.

Upon initial inspection of such dwellings or units, should a Certified Building Inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the Chief Building Official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the Chief Building Official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this ordinance. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.

After submission of the initial Code Compliance Certificate, each owner shall submit a Code Compliance Certificate annually, commencing on January 1, 2007 with their business license renewal. Such subsequent Code Compliance Certificate shall cover at least twenty percent (20%) of the units, provided all units shall be inspected, at a minimum, every five years. All units inspected shall be listed individually on the Code Compliance Certificate submitted to the City by the Certified Building Inspector.

Furthermore, each owner and Certified Building Inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the City within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the Code Compliance Certificate for those units.

Section 3: Failure to Provide Code Compliance Certificate

Failure to provide the Code Compliance Certificate as provided herein shall be a violation of this ordinance and is subject to those penalties contained herein and in Chapter 1, *General Provisions*, Article 3, *Violations*, of the Sandy Springs Code of Ordinances. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental unit(s) to inspection by the City Building Official at a fee as determined by the City Council that covers all costs of such inspection by the City. Said inspection by the City, if required, shall be at a sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for collection of taxes.

Failure to pay the occupational tax as provided herein shall be a violation of this ordinance and is subject to those penalties set forth in this Article. Nothing contained in this section shall prevent the City from enforcement of the State Minimum Standard Codes as provided in Chapter 9 of this Code of Ordinances of the City of Sandy Springs, Georgia.

Section 4: Penalty for False Certification and False Inspection

An Owner, who knowingly participates in furnishing a Code Compliance Certificate to the City which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the Code Compliance Certificate shall be guilty of a misdemeanor for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false shall be guilty of a misdemeanor and can be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Court for each violation.

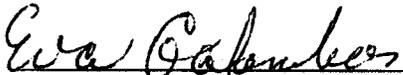
A Certified Building Inspector who knowingly furnishes an Inspection Report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the City as shown by the Inspection Report contained in Exhibit "A" of this Ordinance shall be guilty of a misdemeanor and can be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Court for each violation.. In addition, the Building Inspectors right to submit Inspection Reports to the City may be suspended for a stated period of time, up to 5 years, by Resolution of the City Council.

2.

This Ordinance is effective July 18, 2006; and

ORDAINED this the 18th day of July, 2006.

Approved:


Eva Galambos, Mayor

Attest:

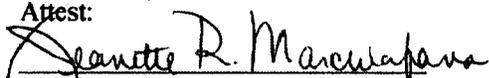

Jeanette R. Marchiafava, City Clerk
(Seal)



EXHIBIT "A"

CODE COMPLIANCE CERTIFICATE

Department of Community Development
Building and Development Division
City of Sandy Springs
7840 Roswell Road
Building 500
Sandy Springs, Georgia 30350

Re: [Name and address of Apartment Community \

___ Total Number of Units

___ Units Inspected (Listed individually]

To Whom It May Concern:

The undersigned is a Certified Building Inspector pursuant to City of Sandy Springs Code of Ordinances Chapter 11, *Business Occupation Tax, Licenses, and Regulation*, Article 12, *Multifamily Rental Housing*, and provides this certification pursuant to such Ordinance.

Those apartment units listed on the Inspection Reports attached hereto have been inspected and found to be in compliance with applicable building codes of the City of Sandy Springs currently in effect. For purposes of this Certification, compliance with applicable building codes shall be deemed to mean that those units inspected meet those certain Minimum Standards for Basic Equipment and Facilities for Dwellings as set forth on the Inspection Reports attached hereto. In the event that the undersigned is an employee of the owner or property manager of the Community, the undersigned is acting only in such capacity and shall incur no personal liability in connection with such inspections. Nothing herein imposes any liability on the City of Sandy Springs or prevents the City of Sandy Springs from enforcing Georgia Minimum Standard Codes as provided by Georgia law and the City of Sandy Springs.

Certified and sworn

this ___ day of _____, 200__

Signature of Inspector

Name: _____

Registration No.: # _____

Certification Held: _____

INSPECTION REPORT

Name of Community: _____

Apartment No.: _____

Date of Inspection: _____

	Minimum Standards for Basic Equipment & Facilities for Dwellings	PASS	FAIL	Action Required for Compliance
1.	Flooring is impervious in kitchen and bath areas			
2.	Privacy for bathrooms			
3.	Hot and cold water supply			
4.	Heating facilities in good working order, no unvented heating appliances in sleeping rooms			
5.	Garbage disposal facilities (trash cans or sink grinder for food stuff disposal).			
6.	Smoke detector devices as required by law.			
7.	Windows, 8% glazing of floor space for light and ventilation, 45% shall be operable with screens if no air conditioning. Windows shall be in good repair and rodent proof, no open cracks or holes.			
8.	Plumbing facilities including kitchen sink, lavatory, tub or shower, and water closet, are clean and sanitary and are in good working order.			

9.	Electrical in good working order with proper covers, no exposed wiring, existing light fixtures in good working order.			
10.	Both interior and exterior doors, jams and hardware in good working order.			
11.	Stairs in good working order with protective railings (interior and exterior).			
12.	Interior floors, walls and ceilings kept in good repair.			
13.	Proper number of residents per bedroom as required by law.			
14.	Extermination as needed.			
15.	Exit requirements, unobstructed means of egress leading to safe and open space.			
16.	Care of premises requires property to be generally maintained with no excessive trash, rubbish or similar items.			
17.	Address numbers posted in plain view.			