

**ORDINANCE NO. 12- 369**

**AN ORDINANCE TO AMEND CHAPTER 11 OF THE CITY OF CLARKSTON'S CODE OF ORDINANCES TO ADD NEW ARTICLE V, WHICH WILL PROVIDE FOR LICENSING AND INSPECTIONS OF MULTI-FAMILY RENTAL HOUSING DEVELOPMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, a number of multi-family residential developments offer dwelling units for rent within the City; and

**WHEREAS**, the City has determined that some multi-family residential rental developments are not in compliance with applicable life safety codes and pose a threat to the health and welfare of their occupants as well as the City at large; and

**WHEREAS**, the City desires to protect the health and welfare of its citizens by imposing certain regulations on multi-family rental dwellings; and

**WHEREAS**, such life-safety regulations may be enforced by imposing a business license requirement on multi-family rental dwellings and by requiring inspections of the same.

**NOW THEREFORE, BE IT ORDAINED BY** the City of Clarkston, Georgia that Chapter 11 of the City's Code of Ordinances, concerning the licensing, registration, taxation and regulation of businesses within the City of Clarkston, be amended as follows:

**Section 1.**

New Article V of Chapter 11 of the Code of Ordinances is hereby adopted. Article V shall consist of the "Clarkston Multi-Family Rental Dwelling Ordinance" attached hereto and consisting of five (5) pages.

**Section 2.**

The sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

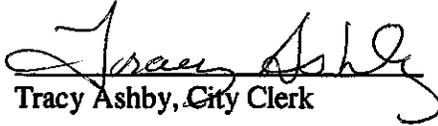
**Section 3.**

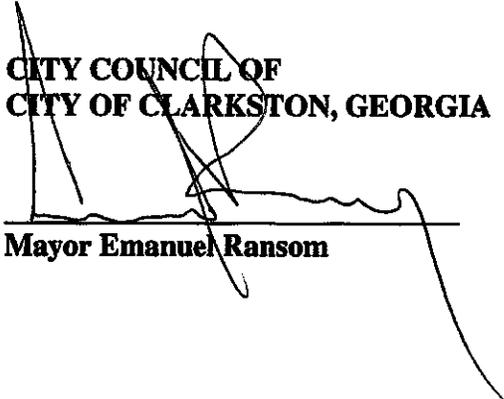
Any City ordinances or portions of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall become effectively immediately upon its approval by the City Council and the signature of the Mayor.

ADOPTED this 11<sup>th</sup> day of September, 2012.

ATTEST:

**CITY COUNCIL OF  
CITY OF CLARKSTON, GEORGIA**

  
Tracy Ashby, City Clerk

  
Mayor Emanuel Ransom

(SEAL)

Approved as to form:

  
Stephen G. Quinn, City Attorney

## CLARKSTON MULTI-FAMILY RENTAL DWELLING ORDINANCE

Sec. 11-96. - Definitions.

The following terms shall have the meaning respectively ascribed to them as follows:

**Certified building inspector.** A person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one (1) 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 compliance certificate.** 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.** The report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

**Lease.** Any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multi-family rental dwellings or multi-family rental units.

**Multi-family rental dwelling.** Any multi-family structure, multi-family 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.

**Multi-family rental unit.** Any one area, room, structure, flat, apartment, or facility of a multi-family 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.** Includes all tenants, lessees and persons residing within a multi-family rental dwelling or multi-family rental unit.

**Owner.** Any person, agent, firm, or corporation having a legal or equitable interest in a premises.

**Owner-occupied.** Any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multi-family rental units. Example: Two-family dwelling, owner occupies one (1) flat; rooming house, owner occupies one (1) unit.

**Premises.** Any lot or piece of land inclusive of the multi-family rental dwelling or multi-family rental unit.

**Sec. 11-97. – Fee and Certificate Required.**

- 1. All owners of multi-family rental dwellings or multi-family rental unit(s) within the city that make available for lease or receive income for use of four (4) or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having an onsite/offsite rental or management office location.**
  - a. Shall be subject to an occupation tax as provided in this article and**
  - b. Shall provide to the city a code compliance certificate covering one hundred (100) percent of the multi-family rental units within the twelve-month period immediately preceding the date of the certification which is January 1, 2014. Said code compliance certificate shall certify 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 multi-family rental dwelling provided proper permits are obtained from the city.**
- 2. Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with all applicable building and life safety codes and 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 (1) 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.**
- 3. After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually with their business license renewal. Such subsequent code compliance certificate shall cover at least twenty (20) percent of the units, provided all units shall be inspected, at a minimum, every five (5) years. All units inspected shall be listed individually on the code compliance certificate submitted to the city by the certified building inspector.**
- 4. 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 available to the city upon request. Such records shall be presented to the city within ten (10) 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.**

**Sec. 11-98. – Failure to Provide Code Compliance Certificate.**

- 1. 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 Clarkston's Code of Ordinances. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multi-family rental dwelling or multi-family rental unit(s) to inspection by the city building official and fines imposed by the municipal court, not less than \$200 and no more than \$1,000.**
  
- 2. Said inspection by the city, if required, shall be at the 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 section 5-1 of this Code of Ordinances of the City of Clarkston, Georgia.**

Exhibit "A".

**CODE COMPLIANCE CERTIFICATE**

**Building Department  
City of Clarkston City Hall  
3921 Church Street Clarkston, Georgia 30021**

**Re:** [Name and address of Apartment Community]

**Date:** \_\_\_\_\_ **Total Number of Units:** \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ **Units Inspected (Listed individually)**

The undersigned is a Certified Building Inspector pursuant to City of Clarkston Ordinance section 11-96 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 Clarkston 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 Clarkston or prevents the City of Clarkston from enforcing Georgia Minimum Standard Codes as provided by Georgia law and the Clarkston Code of Ordinances.

Certified and sworn this \_\_\_\_\_ day of \_\_\_\_\_, 200\_

*[Signature of Inspector]*

**Name:** \_\_\_\_\_

**Registration Number:** \_\_\_\_\_

**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 ceiling 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 and in plain view			