

responsible for a civil infraction and shall be subject to the fines and penalties of section 1-7, provided that each day an offense continues under this article shall be deemed a separate offense.

(Ord. No. 46, § 9, 4-21-1959)

Secs. 5-215—5-245. Reserved.

ARTICLE IX. RENTAL UNITS

Sec. 5-246. Purpose.

The purpose of this article is to protect, preserve and promote the physical and social well-being of the citizens of this city; to regulate rental dwellings for the purpose of maintaining adequate sanitation and public health; to protect the safety of the people and promote the general welfare; and to encourage the maintenance of properties by legislation which shall be applicable to all rental dwellings. It shall be the further purpose of this article to protect the public health, safety and welfare in buildings and on the premises by:

- (1) Establishing minimum standards for basic equipment and facilities in rental housing.
- (2) Fixing the responsibilities of owners, operators and occupants of all rental structures.
- (3) Providing for administration and enforcement of rental housing standards.
- (4) Providing civil remedies and penalties for the violation of this article.

(Ord. No. 349, § 1.01, 1-21-1999)

Sec. 5-247. Applicability.

Every portion of a building or premises used or intended to be used for rental dwelling purposes shall comply with the provisions of this article. The provisions of this article shall also apply to all rental structures and premises with regard to protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding, or other conditions within or on the property which the city manager deems to constitute a menace to the safety, health or welfare of their occupants. Adequate protection of the public requires the establishment and enforcement of these minimum standards.

(Ord. No. 349, § 1.02, 1-21-1999)

Sec. 5-248. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of compliance means a document issued by the city building inspection department indicating that the unit identified on the certificate is in compliance with the property maintenance code of the city and other applicable portions of the building and/or fire prevention code as currently adopted by the city council. The owner of the property, the

address of the complying unit and the expiration date shall be shown on the certificate. A certificate of compliance issued for a unit with no violations shall be valid unless suspended by the building official upon a subsequent reinspection disclosing violations or expiration of the time period stated on the certificate.

Rental dwelling means any structure, building or other facility offered for or leased to a person for use as a living and/or sleeping facility. This definition does not include any structure, building or other facility offered for or leased exclusively to an immediate family member (within the first degree of consanguinity or affinity) of the property owner for use as a living and/or sleeping facility. This definition includes by example, but without limitation, one-family and two-family dwellings, multiple dwellings, apartment units, boardinghouses, roominghouses, hotels, motels and flats.

Unit means:

- (1) *Dwelling unit*, which is one or more rooms with principal kitchen facilities designed as a unit for occupancy by only one family for cooking, living and sleeping purposes, together with the common areas which support the unit, including the exterior of the structure as it relates to the unit.
- (2) *Sleeping unit*, which is a room which is rented or leased primarily for sleeping purposes, not having kitchen and bath facilities within the unit, i.e., sleeping room, together with the common areas, including bath and kitchen facilities, which support the unit, including the exterior of the structure.

(Ord. No. 349, § 2.01, 1-21-1999; Ord. No. 368, § 1, 4-20-2001)

Cross reference—Definitions generally, § 1-2.

Sec. 5-249. Requirement of certificate of compliance.

(a) The city building inspection department shall forthwith undertake systematic inspection (following the established administrative rules and procedures) of all multiple and single rental dwellings for the purpose of determining whether the units are in compliance with the codes noted in this article. Those units which are in compliance shall be issued a certificate of compliance.

(b) The building inspection department shall inspect or cause to be inspected all rental dwellings at two-year intervals for purposes of determining whether such units qualify for a certificate of compliance. It is anticipated that all such units shall have complied with this article in accordance with the schedule established in the administrative rules and procedures.

(c) No person, either the owner or owner's agent, shall rent or lease a dwelling unit or sleeping unit to any tenant unless that owner or owner's agent has first obtained a valid certificate of compliance from the city building inspection department covering that unit.

(Ord. No. 349, § 3.01, 1-21-1999)

Sec. 5-250. Scope of inspection authority.

Nothing in this article shall be construed to restrict the lawful authority of the building inspection department to inspect any units in the city more frequently than such periodic inspection as outlined in this article, such as when a complaint is filed or it otherwise has reasonable cause to believe the unit is in violation of the city codes.

(Ord. No. 349, § 4.01, 1-21-1999)

Sec. 5-251. Application for rental registration.

The owner or the owner's agent shall apply for a certificate of compliance by submitting a completed application for rental registration. The application form shall contain the following information:

- (1) The address of the premises to be inspected.
- (2) The name, residential address, mailing address and telephone number of the owner.
- (3) The name, address and telephone number of any authorized agent.
- (4) The number and kinds of units located on the premises.
- (5) Hours that the owner or agent are usually available to admit and accompany the building official for inspection.

In addition, the application for rental registration may be modified as needed, in accordance with the administrative rules and procedures as established.

(Ord. No. 349, § 5.01, 1-21-1999)

Sec. 5-252. Fees.

The owner of the property shall be responsible for payment of the registration and inspection fees, upon submittal of the application for rental registration, in an amount as prescribed by resolution of the city council.

(Ord. No. 349, § 6.01, 1-21-1999)

Sec. 5-253. Issuance of certificate.

A two-year certificate of compliance shall be issued on the condition that the premises remain in a safe, healthful and fit condition for occupancy. If upon reinspection the building official determines that violations exist, the full certificate may be immediately suspended as to affected areas; and the areas may be ordered vacated until the unit is brought into compliance.

(Ord. No. 349, § 7.01, 1-21-1999)

Sec. 5-254. Right to examine certificate; registry of certificate holders.

(a) The owner or the owner's agent shall, upon request by any prospective tenant, permit the certificate of compliance for a unit to be examined by such tenant or prospective tenant.

(b) The city shall maintain a registry of all units which have obtained valid certificates of compliance. Such registry shall be available for inspection by any person.

(Ord. No. 349, § 8.01, 1-21-1999)