

## ORDINANCE NO. 09-07

### An Ordinance To Provide For The Inspection Of Rental Properties In The City Of Glencoe, Alabama

#### I. ARTICLE I: IN GENERAL

##### 1. Rental property inspection.

- (a) All rental housing units which are or become vacant after November 01, 2009, must be inspected for compliance with building codes and a certificate of occupancy issued if the unit is in substantial compliance, prior to occupancy by a new tenant. Thereafter, whenever a rental housing unit becomes vacant, the property shall be inspected for compliance and a new certificate of occupancy issued.
- (b) The cost of inspection is \$50.00 for the initial inspection and one follow-up inspection. Any additional follow-up inspection shall cost \$15.00 each. The owner of the unit shall be responsible for contacting the building department to schedule inspections. After the initial inspection following the adoption of this section, if the unit has been occupied without a certificate of occupancy having been issued, the cost of the inspection shall be as follows: (1) \$100.00 for the first occupancy without a certificate; (2) \$250.00 for the second occupancy within one year without a certificate; or (3) \$500.00 for the third occupancy within one year without a certificate.
- (c) For purposes of this section, a rental housing unit is defined as a structure or the part of a structure, including a manufactured home, that is rented as a home, residence, or sleeping place by one or more persons. The following arrangements are not covered by this definition:
  - (1) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;
  - (2) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to the interest of the purchaser;
  - (3) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
  - (4) Transient occupancy in a hotel, motel, or lodgings;
  - (5) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;
  - (6) occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
  - (7) Occupancy under a rental agreement covering premises rented by the occupant primarily for agricultural purposes;
  - (8) Continuation of occupancy by the seller or a member of the seller's family for a period of not more than 36 months after the sale of a dwelling unit or the property of which it is a part;
  - (9) Occupancy under a rental agreement with any governmental housing authority created by the City of Glencoe.
- (d) If, upon inspection of the residential rental unit, the building official determines that the unit is in violation of any building code and informs the owner of the violations, no certificate of occupancy may be issued until the condition of the unit is brought up to code standards. Under such circumstances, it shall be unlawful for a person to lease or occupy the unit until a certificate of occupancy is issued.
- (e) If, during an annual inspection of a residential rental unit, the building official determines that the unit is in violation of any building code and is not suitable for habitation until needed corrections are made to bring the condition of the unit up to code standards, it shall be unlawful for the tenant to remain in the unit. The tenant must be relocated until the condition of the unit is brought up to code standards.

- (f) In lieu of an inspection by the city building department and in order to obtain a certificate of occupancy, the owner of the rental housing unit may submit to the building department a copy of the current credentials of the inspector and the full report of an inspection demonstrating compliance with applicable city codes, performed by a person currently licensed and in good standing with any of the following: (1) a home inspector licensed with the Building Commission, pursuant to the Alabama Home Inspectors Registration Act, §§ 34-14B-1 et seq., 1975 Ala. Code; (2) an architect registered with the Alabama Board for Registration of Architects, pursuant to §§ 34-2-1 et seq., 1975 Ala. Code; (3) a professional engineer with the Alabama Board of Licensure for Professional Engineers and Land Surveyors, pursuant to §§ 34-11-1 et seq., 1975 Ala. Code; (4) a residential building inspector, residential combination inspector or certified building official by the International Code Council, Inc.; or (5) authorized to inspect residential construction by the United States Veterans Administration or the United States Department of Housing and Urban Development. In such a case the only fee required shall be \$10.00 for issuance of the certificate of occupancy.

## II. ARTICLE II: PENALTIES

1. Penalty. Any violation of this section shall be punished as provided hereinbelow.

- (a) General penalty; continuing violations.

- (1) In this section "violation of this Code" means any of the following:

- (a) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (c) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

- (2) In this section "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

- (3) Except as otherwise provided by law or ordinance, the minimum fine for the violation of this section on the first offense shall be a minimum of \$100.00. For a second offense within one year, the minimum fine shall be \$250.00. For a third or subsequent offense within one year, the minimum fine shall be \$500.00. In addition the Court shall have the authority to impose imprisonment in the city jail or hard labor for a period not exceeding six months, or by any combination thereof. Any person being punished for a violation of Code of Ala. 1975, § 32-5A-191 as adopted by ordinance shall be punished by fine of not less than \$1.00 and not more than \$5,000.00 or by imprisonment in the city jail or hard labor for a period not exceeding one year or by any combination thereof.

- (4) Notwithstanding the provisions of subsection (c) of this section, the penalty imposed upon a corporation shall consist of the fine only, plus costs of court.

- (5) Except as otherwise provided by law or ordinance:

- (a) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
- (b) With respect to other violations, each act constitutes a separate offense.

- (6) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

- (7) Violations of this Code that are continuous with respect to time are

a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

PASSED AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Susan Casey, City Clerk

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Mayor Charles Gilchrist

\_\_\_\_\_  
Councilman Brent Lang

\_\_\_\_\_  
Councilman Chris Sims

\_\_\_\_\_  
Councilman Danny Wagnon

\_\_\_\_\_  
Councilman Dewayne Hare

\_\_\_\_\_  
Councilman Wayne Farley