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Sec. 80-39. - 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:

Certified building inspector. A person inspecting for compliance with the various adopted codes who is a currently licensed/certified design professional (architect or engineer) or holds one of the following current certifications from the International Code Council (ICC):

- (1)
Property maintenance and housing inspector.
- (2)
Housing rehabilitation inspector.
- (3)
Building inspector.
- (4)
Building plan examiner.
- (5)
Commercial combination inspector.

Code compliance certificate. A certificate, substantially similar to the inspection report provided by the city, as based on the most current edition of the ICC International Property Maintenance Code adopted by the City of Smyrna, executed by a licensed/certified building inspector on the city's approved inspector list and stating compliance with those minimum standards described in the inspection report.

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, boardinghouses, 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. 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 flat; rooming house, owner occupies one unit.

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

(Ord. No. 2012-04, 3-5-12)

Sec. 80-40. - Fee and certificates required.

(1)

Occupation tax. All owners of multi-family rental dwellings or multi-family rental units within the city that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city (i) shall be subject to an occupation tax as provided in this policy and (ii) shall provide to the city, prior to receiving an initial occupational tax certificate under this Code, a code compliance certificate covering interior inspections of no less than 20 percent of the multi-family rental units within the 12-month period immediately preceding 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 multi-family rental dwelling provided proper permits are obtained from the city.

(2)

Inspection. 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, a temporary occupational tax certificate may be issued, until a property is brought into compliance with IPMC minimum standards within a 12-month period. An extension may be granted for up to one year for completion of repairs and compliance with this article. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance.

(3)

Compliance certificate. After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, commencing on January 1, 2013, with their business license renewal. Such subsequent code compliance certificates shall cover interior inspections of at least 20 percent 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, exterior inspections of buildings and property to show compliance with minimum requirements of the IPMC shall cover 100 percent of the properties common areas, including but not limited to: drainage, sanitation, weeds, exterior walls, paint deterioration, decks, doors, windows, screens, handrails, guardrails, roofs, abandoned vehicles, parking lot maintenance, electrical and plumbing maintenance and graffiti. All common areas of property shall be inspected for compliance, at a minimum, once each year. A compliance

report indicating that the condition of the property meets the minimum requirements of the IPMC shall be submitted to the city by the certified building inspector as part of the annual code compliance certificate.

(4)

Written record of inspection. 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 20 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.

(Ord. No. 2012-04, 3-5-12)

Sec. 80-41. - Failure to provide code compliance certificate.

(1)

Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to penalties as determined by mayor and council.

(2)

Failure to provide the code compliance certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multi-family rental dwelling or multi-family rental units 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.

(3)

Failure to pay the occupational tax as provided herein shall be a violation of this Code and is subject to those penalties set forth therein. Nothing contained in this section shall prevent the city from enforcing the state minimum standard codes as provided in this chapter.

(Ord. No. 2012-04, 3-5-12)

Sec. 80-42. - Penalty for false certification and false inspection.

(1)

An owner who knowingly participates in furnishing a code compliance certificate to the city which contains a false certification that all multi-family rental dwellings or multi-family rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this Code for each multi-family rental dwelling or multi-family rental unit for which the certification is shown to be false and can be fined as provided by this Code for each violation.

(2)

A certified building inspector who furnishes an inspection report which knowingly contains fraudulent information that a multi-family rental dwelling or multi-family rental unit meets the minimum housing standards of the city as shown by the inspection report provided by the city from which this article is derived shall be guilty of a violation of this Code and the inspector's right to submit inspection reports to the city may be suspended for a stated period of time, up to one year, by resolution of the city council.

(Ord. No. 2012-04, 3-5-12)

Sec. 80-43. - Certified building inspector requirements.

All inspectors wishing to submit or participate in the apartment evaluation program must comply with the following requirements:

(1)

The inspector must be a currently licensed/certified design professional (architect or engineer) or hold one of the following current certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector. Inspections performed will be based on the most current edition of the ICC International Property Maintenance Code as adopted by the city.

(2)

The inspector must submit a copy of his or her business license and applicable current license/certification to the city to be placed on an approved certified building inspector list prior to inspecting any apartment complex.

(3)

The inspector must meet with the chief building official or the code compliance official upon approval prior to performing any services to comply with this section.

(4)

The inspector must provide an inspection report or a certificate, similar to the inspection report provided by the city, executed by a currently licensed/certified building inspector and stating compliance with those minimum standards described in the inspection report. The inspector must sign and date the report upon completion.

(Ord. No. 2012-04, 3-5-12)