

CONSENT ITEM – 3J



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM
MEETING DATE: November 16, 2010**

AGENDA TITLE

Introduction, first reading and consideration of a motion and ordinance amending Chapters 4-20, "Rental License Fee," 10-2 "Housing Code," which incorporates the International Property Maintenance Code (IPMC), and 10-3, "Rental License of the B.R.C., 1981," all of which are corrections to ordinance nos. 7724, 7725 and 7726 and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager

Office of the City Attorney
Tom Carr, City Attorney

Department of Public Works
Maureen Rait, Executive Director
Kirk Moors, Acting Chief Building Official

Department of Community Planning and Sustainability
David Driskell, Executive Director
Mary Ann Weideman, Acting Deputy Director of Operations
Yael Gichon, Residential Sustainability Coordinator

EXECUTIVE SUMMARY:

As the SmartRegs project progressed through its public process, three different ordinances were developed to allow for some of the program components to be approved independently if deemed necessary by City Council. Ordinance numbers 7724, 7725, and 7726 were approved and have an effective date of Jan. 3, 2011. While this ordinance language development afforded the anticipated flexibility needed for the approval process, now that all three ordinances have been

approved, staff has been able to consider how the ordinance language can be improved and streamlined for implementation of the program. Corrections and amendments to ordinance numbers 7724, 7725 and 7726 have been prepared in order to improve and clarify the code language.

The proposed amendments and corrections apply to the following previously adopted ordinances:

- No. 7724 AN ORDINANCE REPEALING AND REENACTING CHAPTER 10-2 “HOUSING CODE” B.R.C. 1981, TO ADOPT BY REFERENCE, THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) WITH CERTAIN AMENDMENTS AND DELETIONS AND SETTING FORTH RELATED DETAILS.
- No. 7725 AN ORDINANCE AMENDING SECTION 4-20-18, “RENTAL LICENSE FEE,” AND CHAPTER 10-3, “RENTAL LICENSES,” B.R.C. 1981, TO PROVIDE FOR COMPREHENSIVE ENFORCEMENT OF CHAPTER 10-2, “PROPERTY MAINTENANCE CODE,” B.R.C. 1981, THROUGH A SYSTEM OF RENTAL LICENSES FOR ALL DWELLING AND ROOMING ACCOMMODATIONS IN THE CITY RENTED TO TENANTS AND SETTING FORTH RELATED DETAILS.
- No. 7726 AN ORDINANCE AMENDING CHAPTERS 4-4, “BUILDING CONTRACTOR LICENSE,” CHAPTER 4-20, “FEES,” CHAPTER 10-1, “DEFINITIONS,” CHAPTER 10-2, “PROPERTY MAINTENANCE CODE,” AND CHAPTER 10-3, “RENTAL LICENSES,” B.R.C. 1981, REGARDING ENERGY CONSERVATION FOR EXISTING RESIDENTIAL RENTAL STRUCTURES, AND SETTING FORTH RELATED DETAILS.

STAFF RECOMMENDATION

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance amending Chapters 4-20, “Rental License Fee,” 10-2 “Housing Code,” which incorporates the 2009 edition of the International Property Maintenance Code (IPMC) and 10-3, “Rental License of the B.R.C., 1981,” all of which are corrections to Ordinance Nos. 7724, 7725, and 7726 and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: Amending and correcting the SmartRegs code language will improve efficiency for those applying for licenses and making efforts to come into compliance with the new requirements.
- Environmental: None.

- Social: The amendments and corrections will facilitate understanding of program requirements for staff and rental license clients.

OTHER IMPACTS:

- Fiscal: None
- Staff Time: Ongoing code maintenance is an essential and largely administrative obligation of the city.

BOARD AND COMMISSION FEEDBACK:

Planning Board unanimously approved recommending the referenced code changes to City Council at their Nov. 4, 2010 meeting.

BACKGROUND:

These proposed ordinance changes do not raise any key issues. They are primarily clean-up items and clarifications to the code that are intended to make implementation of the SmartRegs program better. Some other more substantial issues raised during SmartRegs adoption, such as program enforcement, will be discussed in future memos to council and addressed in meetings tentatively planned for second quarter 2011.

ANALYSIS:

The code amendments shown with a “Reason for Change,” explanation are intended to correct discrepancies discovered through review of these ordinances in preparation for implementation of the program. In summary the changes being proposed address three issues: (1) edits to the terms “owner,” “operator,” “agent” and “representative” to improve consistency with other un-amended code sections; (2) elimination of redundancies identified by council; (3) changes in the order of the code section for improved clarity.

The following are the proposed changes to the B.R.C., reflected through the use of strike-out and double-underlining formatting. Each section is followed by an explanation for the proposed change.

4-20-18. Rental License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

- (a) *Dwelling and Rooming Units: \$70.00 per building.*
- (b) *Accessory Units: \$70.00 per unit.*
- (c) *To cover the cost of investigative inspections, the city manager will assess to ~~owners or~~ operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.*

Reason for Change:

- The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the un-amended code sections were written.

101.3 Fees. The fees and costs for activities and services performed by the department in carrying out its responsibilities under this code shall be as detailed in section 111.9 of this code and section 4-20-47, “Zoning Adjustment and Building Appeals Filing Fees,” B.R.C. 1981.

Reason for Change:

- The section number reference has been corrected.

C101.2 Compliance. The energy efficiency of existing residential rental dwelling units must comply with Section C101.2.1 for performance-based energy efficiency requirements or Section C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant exceptions as follows:

1. *Innovative Materials: Buildings ~~where~~ achieving equivalent energy efficiency performance through the use of innovative materials, methods and/or equipment in accordance with Section 105 of this code as an alternative to the performance and prescriptive methods. The code official shall determine the relative values and effectiveness of innovative materials, methods and/or equipment in satisfying the intent and purpose of this code.*
2. *Historic Buildings: Reasonable ~~alterations and~~ modifications in the award of prescriptive and performance points of this ~~chapter~~ appendix upon a finding by the code official that the application of this section requires an exterior alteration to an individual landmark or a contributing building within an historic district established under chapter 9-11, “Historic Preservation,” B.R.C. 1981, that would not be eligible for a Lanmark Alteration Certificate.*
 - ~~a. Strict application of the requirements requires an alteration to an individual landmark or a contributing building within a historic district established under chapter 9-11, B.R.C. 1981, that would not be eligible for approval as part of a landmark certificate; or~~
 - ~~b. The purposes of this appendix are otherwise met through such alterations and modifications; or~~
 - ~~c. Such alterations or modifications are necessary to remove barriers for permanently affordable housing units.~~

Reasons for Changes:

- “Where” is replaced with “achieving” to clarify the intent of the sentence.
- Subsections a, b, and c were deleted, revised and incorporated into the text of subsection 2 for improved clarity and to eliminate the confusion created by referencing permanently affordable housing.

705.1 Where Required. *Portable fire extinguishers shall be installed as required by the City of Boulder Fire Code Section 906.*

705.1.1. *In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers need only be installed when interior corridors and common areas exist in accordance with section 903.6.1 and table 906.3 (12) for light (low) hazard occupancies and sections 903.66.3 through 906.9.*

Reason for Change:

- The section numbers were transposed or incorrectly stated and are corrected as shown.

10-3-2 Rental License Required Before Occupancy and License Exemptions.

- (a) *No operator shall allow any person to occupy any rental property as a tenant or lessee or otherwise for a valuable consideration unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager.*
- (b) *Buildings, or building areas, described in one or more of the following paragraphs are exempted from the requirement to obtain a rental license from the city manager.*
 - (1) *Any dwelling unit occupied by the owner, or members of the owner's family and housing no more than two roomers who are unrelated to the owner or the owner's family. Any unit may be considered occupied by the owner if the occupant certifies that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.*
 - (2) *A dwelling unit meeting all of the following conditions:*
 - (A) *The dwelling unit constitutes the owner's principal residence;*
 - (B) *The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;*

- (C) *The dwelling unit was occupied by the owner immediately before its rental;*
 - (D) *The owner of the dwelling unit is temporarily living outside of Boulder County; and*
 - (E) *The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.*
- (3) *Commercial hotel and motel occupancies which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.*
 - (4) *Common areas and elements of buildings containing attached, but individually owned, dwelling units.*

Reasons for Change:

- Section, 10-3-19, “Owner Occupied Designation” was deleted and incorporated into section 10-3-2, “Rental License Required Before Occupancy and License Exemptions,” B.R.C. 1981 [paragraph (b) (1)], since the context more logically related to this section than being a stand alone requirement.

10-3-3 Terms of Licenses.

(a) *License terms shall be as follows:*

(1) *Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced Term Rental License," B.R.C. 1981 or temporary licenses issued under section 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four years from issuance or when ownership of the licensed property is transferred*

(A) *In addition to any other applicable requirements, new licenses and renewals shall require that the licensee submit to the city manager a completed current baseline (for a new license) or renewal inspection report, on forms provided by the city. The baseline and renewal inspection report shall satisfy the following requirements:*

(i) *The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10 (e), B.R.C. 1981, for which the report form requires inspection and certification.*

(ii) *The section of the report concerning smoke and carbon monoxide alarms must be executed by the*

operator certifying that the ~~operator owner or agent~~ inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

- (iii) *The section of the report concerning trash removal must be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection 6-3-3(b), B.R.C. 1981.*

Reasons for Changes:

- The use of the phrase "baseline and renewal inspection" is redundant.
- The phrase "satisfy the following requirements" was added to the end of 10-3-3 (a) (1) (A) in order to achieve better agreement between the main section and subsections.
- The words "owner or" were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.
- Paragraph 10-3-3(a)(1) now specifies or cross references the duration of all rental licenses. This eliminates the need for specific paragraphs on the duration of licenses for ADUs and Reduced Term Licenses.

10-3-6 License Application Procedure for Buildings Converted to Rental Property.

Every operator converting a property to rental property shall follow the procedures in this section for procuring a rental license:

- (a) *Submit a written application for a license to the city, on official city forms provided for that purpose, at least thirty days before rental of the property including:*
- 1. A rental housing inspector's certification of baseline inspection dated within 12 months before the application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request; and*
 - 2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and*
 - 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the ~~owner or~~ operator;*

- (b) *Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at the time of submitting the license application.*
- (c) ~~*Submit to the city manager, in the form provided by the manager, a certification of baseline inspection report, showing compliance with all applicable requirements within. The operator shall make a copy of the inspection checklist available to city staff and tenants of inspected units within 14 days of a request*~~
- (d) *Take all reasonable steps to notify any occupants of the property in advance of the date and time of the inspection. The operator ~~or an agent a representative of the operator other than the inspector or any tenant of the unit,~~ shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.*

Reasons for Change:

- Subsection (c) is removed because the context of the subsection is incorporated into 10-3-6(a)(1).
- The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.
- The term “agent” is removed in order to avoid confusion with the role of agent as specified in section 10-3-14, “Local Agent Required”, B.R.C. 1981.

10-3-7 License Renewal Procedure for Buildings Occupied as Rental Property.

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired license:

- (a) *Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, before the expiration of the existing license.*
- (b) *Submit to the city manager, on forms provided by the manager:*
 1. *A rental housing inspector’s certification of renewal inspection within 12 months before application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;*
 2. *A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and*
 3. *A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the ~~owner or~~ operator.*

- (c) *Take all reasonable steps to notify in advance all tenants of the property of the date and time of the inspection. The operator, ~~or an agent of the operator of the operator other than the inspector or any tenant of the unit,~~ shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.*

Reasons for Change:

- The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.
- The term “agent” is removed in order to avoid confusion with the role of agent as specified in section 10-3-14, “Local Agent Required”, B.R.C. 1981.

10-3-11 Change of Rental Property Ownership or Agent.

(ba) *Within thirty days after transfer of ownership or change of local agent of a licensed property, the operator shall notify the city manager of the identity and mailing address of the new owner or new local agent*

(ab) *Within sixty days after transfer of ownership of a property for which there is a current and valid license the new operator of the property shall apply for a new license under section 10-3-6, “License Application Procedure for Buildings Converted to Rental Property,” B.R.C. 1981. ~~The new operator shall:~~*

~~(1) Submit all license fees prescribed by section 4-20-18, “Rental License Fee,” B.R.C. 1981, with the application.~~

~~(2) Submit, in the form provided by the city manager, a certification of baseline inspection report for the property, conducted at the operator's expense by a rental housing inspector licensed by the city for such work, showing compliance with all applicable requirements.~~

~~(3) Take all reasonable steps to notify all tenants of the property of the date and time of the scheduled inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall accompany the inspector throughout the inspection, unlocking and opening doors as required.~~

Reasons for Changes:

- The order of sections (a) and (b) were switched to make the section read more clearly.
- Subsections (1), (2) and (3) are deleted as they are already incorporated within 10-3-6 “License Application Procedure for Buildings Converted to Rental Property” and in 10-3-7 “License Renewal Procedure for Buildings Occupied as Rental Property,” B.R.C. 1981.

10-3-16 Administrative Remedy.

- (e) *To cover the costs of investigative inspections, the city manager will assess ~~owners or~~ operators a \$250.00 fee, per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.*

Reason for Change:

- The words “owner or” were deleted because owner is within the definition for operator and the proposed language is more consistent with how the unamended code sections were written.

~~10-3-19 owner Occupied Designation.~~

~~(a) A rental property may be considered “owner occupied” if he occupant certifies to the city as part of the licensing process that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.~~

~~(b) The definition for “Family”, as used in this chapter, appears in section 9-2-1, “Definitions,” B.R.C. 1981.~~

Reason for Change:

- This section has been moved in its entirety and incorporated into 10-3-2, “Rental License Required Before Occupancy and License Exemptions,” B.R.C. 1981.

ATTACHMENTS:

ATTACHMENT A: Ordinance No. ____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 4-20, "RENTAL LICENSE FEE," 10-2, "HOUSING CODE," WHICH INCORPORATES THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND 10-3, "RENTAL LICENSE," ALL OF WHICH ARE CORRECTIONS TO ORDINANCE NOS. 7724, 7725 AND 7726, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-20-18, B.R.C. 1981 is amended to read:

4-20-18 **Rental License Fee.**

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

- (a) Dwelling and Rooming Units: \$70.00 per building.
- (b) Accessory Units: \$70.00 per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to ~~owners~~ ~~or~~ operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-2-2, section paragraph 101.3 is amended to read:

101.3 Fees. The fees and costs for activities and services performed by the department in carrying out its responsibilities under this code shall be as detailed in section 111.9 of this code and section 4-20-47, "Zoning Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

Section 3. Section 10-2-2, Appendix C Energy Efficiency Retirement is amended to read:

...

C101.2 Compliance. The energy efficiency of existing residential rental dwelling units must comply with Section C101.2.1 for performance-based energy efficiency requirements or Section C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant exceptions as follows:

- 1. Innovative Materials: Buildings ~~where~~ achieving equivalent energy efficiency performance through the use of innovative materials, methods and/or

1 equipment in accordance with Section 105 of this code as an alternative to the
2 performance and prescriptive methods. The code official shall determine the
3 relative values and effectiveness of innovative materials, methods and/or
4 equipment in satisfying the intent and purpose of this code.

5 2. Historic Buildings: Reasonable ~~alterations and~~ modifications in the award of
6 prescriptive and performance points of this ~~chapter~~ appendix upon a finding
7 by the code official that the application of this section requires an exterior
8 alteration to an individual landmark or a contributing building within an
9 historic district established under chapter 9-11, "Historic Preservation," B.R.C.
10 1981, that would not be eligible for a Landmark Alteration Certificate.

11 a. ~~Strict application of the requirements requires an alteration to an
12 individual landmark or a contributing building within a historic
13 district established under chapter 9-11, B.R.C. 1981, that would not
14 be eligible for approval as part of a landmark certificate; or~~

15 b. ~~The purposes of this appendix are otherwise met through such
16 alterations and modifications; or~~

17 c. ~~Such alterations or modifications are necessary to remove barriers for
18 permanently affordable housing units.~~

19 ...

20 **705.1 Where Required.** Portable fire extinguishers shall be installed as required by the City of
21 Boulder Fire Code Section 906.

22 **705.1.1.** In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers
23 need only be installed when interior corridors and common areas exist in accordance with
24 section 9036.1 and table 906.3 (4) for light (low) hazard occupancies and sections
25 903-~~66.3~~ through 906.9.

26 Section 4. Section 10-3-2, B.R.C. 1981 is amended to read:

27 **10-3-2 Rental License Required Before Occupancy and License Exemptions.**

28 (a) No operator shall allow any person to occupy any rental property as a tenant or lessee or
otherwise for a valuable consideration unless each room or group of rooms constituting
the rental property has been issued a valid rental license by the city manager.

(b) Buildings, or building areas, described in one or more of the following paragraphs are
exempted from the requirement to obtain a rental license from the city manager.

(1) Any dwelling unit occupied by the owner, or members of the owner's family and
housing no more than two roomers who are unrelated to the owner or the owner's
family. An owner includes an occupant who certifies that the occupant owns an
interest in a corporation, firm, partnership, association, organization or any other
group acting as a unit that owns the rental property.

- 1
- 2 (2) A dwelling unit meeting all of the following conditions:
- 3 (A) The dwelling unit constitutes the owner's principal residence;
- 4 (B) The dwelling unit is temporarily rented by the owner for a period of time
- 5 no greater than twelve consecutive months in any twenty-four-month
- 6 period;
- 7 (C) The dwelling unit was occupied by the owner immediately before
- 8 its rental;
- 9 (D) The owner of the dwelling unit is temporarily living outside of Boulder
- 10 County; and
- 11 (E) The owner intends to re-occupy the dwelling unit upon termination of the
- 12 temporary rental period identified in subparagraph (b)(2)(B) of this
- 13 section.
- 14 (3) Commercial hotel and motel occupancies which offer lodging accommodations
- 15 primarily for periods of time less than thirty days, but bed and breakfast facilities
- 16 are not excluded from rental license requirements.
- 17 (4) Common areas and elements of buildings containing attached, but individually
- 18 owned, dwelling units.

19 Section 5. Section 10-3-3, B.R.C. 1981 is amended to read:

20 **10-3-3 Terms of Licenses.**

- 21 (a) License terms shall be as follows:
- 22 (1) Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced
- 23 Term Rental License," B.R.C. 1981 or temporary licenses issued under section
- 24 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four
- 25 years from issuance or when ownership of the licensed property is transferred
- 26 (A) In addition to any other applicable requirements, new licenses and
- 27 renewals shall require that the licensee submit to the city manager a
- 28 completed current baseline (for a new license) or renewal inspection
- report, on forms provided by the city. ~~The baseline and renewal inspection~~
report shall satisfy the following requirements:
- (i) The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10 (e), B.R.C. 1981, for which the report form requires inspection and certification.
- (ii) The section of the report concerning smoke and carbon monoxide alarms must be executed by the operator certifying that the

1 ~~operator owner or agent~~ inspected the smoke and carbon monoxide
2 alarms in the licensed property and that they complied with the
3 requirements of chapter 10-2, "Property Maintenance Code,"
4 B.R.C. 1981.

5 (iii) The section of the report concerning trash removal must be
6 executed by the operator certifying that the operator has a current
7 valid contract with a commercial trash hauler for removal of
8 accumulated trash from the licensed property in accordance with
9 subsection 6-3-3(b), B.R.C. 1981.

10 ~~(2) Accessory dwelling units or accessory units as defined in section 9-16-1, "General
11 Definitions," B.R.C. 1981, have terms of four years from the date of license
12 application for newly constructed units or from the date of prior license expiration
13 for units for which the operator is renewing an unexpired license.~~

14 ~~(3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License,"
15 B.R.C. 1981~~

16 Section 6. Section 10-3-6, B.R.C. 1981 is amended to read:

17 **10-3-6 License Application Procedure for Buildings Converted to Rental Property.**

18 Every operator converting a property to rental property shall follow the procedures in this section
19 for procuring a rental license:

- 20 (a) Submit a written application for a license to the city, on official city forms provided for
21 that purpose, at least thirty days before rental of the property including:
- 22 1. A rental housing inspector's certification of baseline inspection dated within 12
23 months before the application. The operator shall make a copy of the inspection
24 form available to city staff and tenants of inspected units within 14 days of a
25 request; and
 - 26 2. A report on the condition and location of all smoke and carbon monoxide alarms
27 required by Chapter 10-2 made and verified by the ~~owner or~~ operator; and
 - 28 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
1981 made and verified by the ~~owner or~~ operator;
- (b) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at
the time of submitting the license application.
- (c) ~~Submit to the city manager, in the form provided by the manager, a certification of
baseline inspection report, showing compliance with all applicable requirements within.
The operator shall make a copy of the inspection checklist available to city staff and
tenants of inspected units within 14 days of a request.~~

1 ~~(d)~~ Take all reasonable steps to notify any occupants of the property in advance of the date
2 and time of the inspection. The operator, ~~or an agent of the operator other than the~~
3 ~~inspector or any tenant of the unit,~~ shall be present and accompany the inspector
4 throughout the inspection, unlocking and opening doors as required.

4 Section 7. Section 10-3-7 B.R.C. 1981 is amended to read:

5 **10-3-7 License Renewal Procedure for Buildings Occupied as Rental Property.**

6 Every operator of a rental property shall follow the procedures in this section when renewing an
7 unexpired license:

- 8 (a) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981,
9 before the expiration of the existing license.
- 10 (b) Submit to the city manager, on forms provided by the manager:
- 11 1. A rental housing inspector's certification of renewal inspection within 12 months
12 before application. The operator shall make a copy of the inspection form
13 available to city staff and tenants of inspected units within 14 days of a request;
 - 14 2. A report on the condition and location of all smoke and carbon monoxide alarms
15 required by chapter 10-2 made and verified by the ~~owner or operator;~~ and
 - 16 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
17 1981 made and verified by the ~~owner or operator.~~
- 18 (c) Take all reasonable steps to notify in advance all tenants of the property of the date and
19 time of the inspection. The operator, ~~or an agent of the operator other than the inspector or~~
20 ~~any tenant of the unit,~~ shall be present and accompany the inspector throughout the
21 inspection, unlocking and opening doors as required.

20 Section 8. Section 10-3-11, B.R.C. 1981 is amended to read:

21 **10-3-11 Change of Rental Property Ownership or Agent.**

- 22 ~~(b)~~ Within thirty days after transfer of ownership or change of local agent of a licensed
23 property, the operator shall notify the city manager of the identity and mailing address of
24 the new owner or new local agent .
- 25 ~~(a)~~ Within sixty days after transfer of ownership of a property for which there is a current
26 and valid license the new operator of the property shall apply for a new license under
27 section 10-3-6, "License Application Procedure for Buildings Converted to Rental
28 Property," B.R.C. 1981. ~~The new operator shall:~~
- ~~(1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee,"~~
~~B.R.C. 1981, with the application.~~

1 ~~(2) — Submit, in the form provided by the city manager, a certification of baseline~~
2 ~~inspection report for the property, conducted at the operator's expense by a rental~~
3 ~~housing inspector licensed by the city for such work, showing compliance with all~~
4 ~~applicable requirements.~~

5 ~~(3) — Take all reasonable steps to notify all tenants of the property of the date and time~~
6 ~~of the scheduled inspection. The operator, or an agent of the operator other than~~
7 ~~the inspector or any tenant of the unit, shall accompany the inspector throughout~~
8 ~~the inspection, unlocking and opening doors as required.~~

9 Section 9. Subsection 10-3-16(e) is amended to read:

10 **10-3-16 Administrative Remedy.**

11 (e) To cover the costs of investigative inspections, the city manager will assess ~~owners or~~
12 operators a \$250.00 fee, per inspection, where the city manager performs an investigative
13 inspection to ascertain compliance with or violations of this chapter.

14 Section 10. Section 10-3-19 is deleted in its entirety.

15 ~~**10-3-19 Owner Occupied Designation.**~~

16 ~~(a) — A rental property may be considered “owner occupied” if the occupant certifies to the~~
17 ~~city as part of the licensing process that the occupant owns an interest in a corporation,~~
18 ~~firm, partnership, association, organization or any other group acting as a unit that owns~~
19 ~~the rental property.~~

20 ~~(b) — The definition for “Family”, as used in this chapter, appears in section 9-2-1,~~
21 ~~“Definitions,” B.R.C. 1981~~

22 Section 12. This ordinance is necessary to protect the public health, safety, and
23 welfare of the residents of the city, and covers matters of local concern.

24 Section 13. The City Council deems it appropriate that this ordinance be published by
25 title only and orders that copies of this ordinance be made available in the office of the city clerk
26 for public inspection and acquisition.

27 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
28 TITLE ONLY this 16th day of November, 2010.

Mayor

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Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 7th day of December, 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record