

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 11, ARTICLE V OF THE CITY CODE REGARDING MULTI-FAMILY RENTAL DWELLINGS; TO CLARIFY THAT MULTI-FAMILY DWELLINGS WITHOUT A RENTAL OR MANAGEMENT OFFICE LOCATION WITHIN THE CITY ARE NOT SUBJECT TO OCCUPATION TAX; TO IMPOSE A REGULATORY FEE ON MULTI-FAMILY RENTAL DWELLINGS; AND FOR OTHER PURPOSES.

WHEREAS, multi-family rental dwellings, if unregulated, may be neglected by their owners and deteriorate into unsanitary and/or unsafe conditions; and

WHEREAS, the City of Clarkston has undertaken to regulate multi-family dwelling units through regular inspection in order to protect the public health, safety and welfare; and

WHEREAS, O.C.G.A. § 48-13-9 authorizes local governments to impose a regulatory fee on businesses that the local government customarily inspects in an amount approximating the reasonable cost of regulation.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston as follows:

Section 1. City Code § 11-97 is hereby deleted and replaced with the following text:

“Sec. 11-97. - Fee and certificate required.

- (a) 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 must obtain a business license from the City pursuant to this article. If the multi-family rental dwelling meets the requirements of O.C.G.A. § 48-13-5 by having an onsite/offsite rental or management office location, then the owner shall be subject to an occupation tax as provided in this article.
- (b) 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 shall register such dwellings / units with the City and pay a regulatory fee of \$100 on an annual basis, whether or not the multi-family rental dwelling is subject to occupation tax.
- (c) Each owner of a multi-family rental dwelling shall submit a code compliance certificate annually with their business license renewal. Such annual code compliance certificate shall cover at least twenty (20) percent of the units within each dwelling, 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. When a newly constructed or remodeled multi-family rental dwelling receives a certificate of occupancy, additional inspections pursuant to this section are not required for one

year. After one year has elapsed, regular annual inspection of 20% of units shall commence and continue as required by this section.

- (d) 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.
- (e) If inspection of such dwellings or units by a certified building inspector results in a determination 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.”

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION 4. This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this ____ day of _____, 2017.

ATTEST:

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

By _____
Tracy Ashby, City Clerk

Ted Terry, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney