



NEWNAN
GEORGIA

AN ORDINANCE AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN, GEORGIA BY ADDING A NEW ARTICLE VIII: MULTI FAMILY RENTAL HOUSING; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council of the City of Newnan are charged with the protection of the public health, safety, and welfare of the citizens of Newnan; and

WHEREAS, O.C.G.A. § 8-2—25(a) provides for state-wide application of certain state minimum standard codes and municipal enforcement of such codes; and

WHEREAS, O.C.G.A. § 8—2—25(b) and (c) provide for the municipal adoption and enforcement of other state minimum standard codes and allow for municipalities to adopt more stringent codes based on public safety factors; and

WHEREAS, the City of Newnan has adopted all such state minimum codes and such adoption is codified as Chapter 5, Article I of the City of Newnan Code of Ordinances; and

WHEREAS, the Mayor and City Council of the City of Newnan have further determined that a decline in the integrity of multifamily rental units has a negative impact on the public, including secondary effects of increased crime in such areas, deterioration of property values and aesthetic concerns; and

WHEREAS, O.C.G.A. § 8-2-26 allows for the adoption of any reasonable provisions for the enforcement of the state minimum standard codes and provides for inspections of buildings or similar structures to ensure compliance with the state minimum standard codes; and

WHEREAS, O.C.G.A. § 48-13-6 provides for the levy, assessment, and collection of occupation taxes on those businesses and practitioners of professions and occupations which have location within the corporate limits; and

WHEREAS, O.C.G.A. § 48-13-5 provides that renting or leasing real property to another at a site within a City is an occupation, profession or business; and

WHEREAS, the Mayor and City Council of the City of Newnan recognize the inherent dangers of residing in buildings or structures that do not meet the state minimum standard codes, and further recognize a lessee's or tenant's right to privacy; and

WHEREAS, landlords, owners, lessors, or agents of landlords, owners, or lessors have the duty, under O.C.G.A. § 44-7-13, and such cases as Thompson v. Crownover, 259 Ga. 126, 381 S.E.2d 283 (1989), to keep rental premises in repair; and

WHEREAS, a public hearing as required by O.C.G.A. §48-13-6(c) was held at the City Council's regular meeting on the 24th day of September, 2019.

WHEREAS, the Mayor and City Council of the City of Newnan have determined that protection of the health, safety, and welfare of the citizens of Newnan requires that property that is being rented or leased meet the state minimum standard codes:

NOW, THEREFORE, to accomplish the foregoing, BE IT ORDAINED by the Mayor and City Council of the City of Newnan, Georgia, and it is hereby ordained by the authority of same, Chapter 5, Licenses, and Regulation, of the Code of Ordinances of the City of Newnan, Georgia is hereby amended by adopting a new Article VIII Multi-family Rental Housing to read as follows:

SECTION I. Article VIII: Multifamily Rental Housing

Section 5-80. Definitions

As used in this subsection, the following terms shall have the meaning respectively ascribed to them as follows:

Certified Building Inspector shall mean any person inspecting for compliance with the various adopted codes who is a licensed design professional (architect or engineer) or holds one of the following certifications from SBCCI (ICC): Property Maintenance and Housing Inspector, Housing Rehabilitation Inspector, Building Inspector, Building Plan Examiner or Commercial Combination Inspector.

Code of Compliance Certificate shall mean a certificate, substantially similar to Exhibit "A" attached hereto and incorporated herein, executed by a Certified Building Inspector and stating compliance with those minimum standards described in the *Inspection Report* attached thereto.

Inspection Report means a report, substantially similar to the inspection report attached to the ordinance and incorporated herein, and referred to on the code compliance certificate and describing the minimum requirements for inspection of each unit. The inspection report may be modified from time to time by the Chief Building Official of the City of Newnan to comply with the adoption, revision or amendment of all applicable laws, certifications or standards.

Lease shall mean any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily Rental Dwelling shall mean any multifamily structure, multifamily 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, boarding

houses, rooming houses, group homes, and flats.

Multifamily Rental Unit shall mean any one area, room, structure, flat, apartment, or facility of a multifamily 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 shall mean all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner shall mean any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-Occupied shall mean any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two- family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises shall mean any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

Section 5-81. Fee and Certificate Required

All owners of multifamily rental dwellings or multifamily rental unit(s) within the City that receive income for use of four (4) or more such dwellings or units and meet the requirements of O.C.G.A. Section 48-13-5 for having a location or office within the City (a) shall be subject to an occupation tax as provided in Chapter 6, Business, Article I, Occupation Tax, of the Newnan Code of Ordinances and (b) shall provide to the City Building Department, prior to June 1, 2020, a Code Compliance Certificate covering one hundred percent (100%) of the Multi-Family Rental Units within the twelve (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.

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 of the City of Newnan outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the Chief Building Official of the City of Newnan as reasonable and justified, an extension may be granted for up to one 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.

After submission of the initial Code Compliance Certificate, each owner shall submit a Code Compliance Certificate annually, commencing on January 1,

2022 at the time of their Occupational Tax certificate renewal. Such subsequent Code Compliance Certificate shall cover at least twenty percent (20%) 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 Building Department by the Certified Building Inspector.

The Certified Building Inspector signing the inspection report and performing the inspection shall not be an employee of, otherwise related to, or affiliated in any way with any owner, manager, or occupant of the multifamily rental dwelling or multifamily rental dwelling unit being inspected. 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 for a period of 5 years. Such records shall be presented to the City Building Department within ten business days after such request is made in writing to the inspector. Failure to provide such records may nullify the Code Compliance Certificate for those units.

Exemptions. Provided all other required permits, certificates and/or permissions are obtained from the city, this section shall not apply to multifamily rental dwellings or multifamily rental units for a period of two years following issuance of a certificate of occupancy for such dwelling or unit.

Section 5-82. Failure to Provide Code Compliance Certificate

Failure to provide the Code Compliance Certificate as provided herein shall be a violation of this ordinance and is subject to those penalties contained herein and in Section 1-14, of the Code of Ordinances of the City of Newnan. Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental unit(s) to inspection by the City Building Official of the City of Newnan at a fee as determined by the City Council of the City of Newnan that covers all costs of such inspection by the City. Said inspection by the City Building Department, 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.

Failure to pay the occupational tax as provided herein shall be a violation of the City's Occupational Tax ordinance and is subject to those penalties set forth in Chapter 6, Business, Article I, Occupation Tax, of the Code of Ordinances of the City of Newnan. Nothing contained in this section shall prevent the City from enforcement of the State Minimum Standard Codes as provided in Chapter 5 of the Code of Ordinances of the City of Newnan, Georgia.

Section 5-83. Penalty for False Certification and False Inspection

An Owner, who knowingly participates in furnishing a Code Compliance Certificate to the City which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards

contained in the Code Compliance Certificate shall be guilty of a misdemeanor for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false shall be subject to citation to Newnan Municipal Court and if found guilty may be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Newnan Municipal Court for each violation.

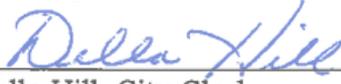
A Certified Building Inspector who knowingly furnishes an Inspection Report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum "housing standards of the City as shown by the Inspection Report contained in Exhibit "A" of this Ordinance shall be subject to citation to Newnan Municipal Court and if found guilty may be fined up to \$1,000, or imprisoned for up to one year, or any combination of these, by the Newnan Municipal Court for each violation.. In addition, the Certified Building Inspector's right to submit Inspection Reports to the City Building Department may be suspended for a stated period of time, up to 5 years, by Resolution of the City Council of the City of Newnan.

SECTION II. All Ordinances or parts of Ordinances in conflict or inconsistent with this Ordinance hereby are repealed.

SECTION III. This Ordinance shall be effective upon adoption.

DONE, RATIFIED and PASSED by the City Council of the City of Newnan, Georgia, this the 8th day of OCTOBER, 2019, in regular session

ATTEST:

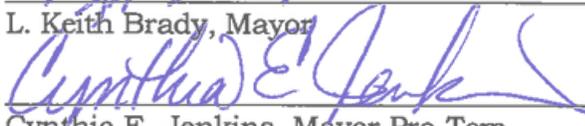

Della Hill, City Clerk

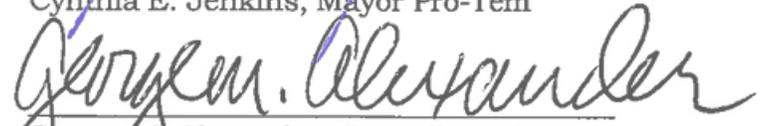
REVIEWED AS TO FORM:


C. Bradford Sears, Jr., City Attorney


Cleatus Phillips, City Manager

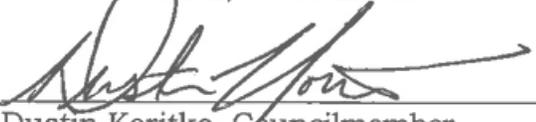

L. Keith Brady, Mayor


Cynthia E. Jenkins, Mayor Pro-Tem


George M. Alexander, Councilmember


Raymond F. DuBose, Councilmember


Rhodes H. Shell, Councilmember


Dustin Koritko, Councilmember


Paul Guillaume, Councilmember

5	Stairs, landings, balconies, decks and porches are maintained in sound condition and good repair; interior and exterior railings and handrails are properly secured and in good repair.			
6	Bathroom(s) have operable bath fan in good condition or openable window with window screen attached.			
7	Plumbing facilities including kitchen sink, lavatory, tub or shower, and water closet(s), are clean and sanitary and are in good working order.			
8	Water heating equipment is operational, in good repair and hot water is supplied to bathroom and kitchen fixtures.			
9	Operational smoke detectors located on the ceiling or wall outside each sleeping area in the immediate vicinity of bedrooms; & inside each room used for sleeping purposes. All detectors must have battery backup and detectors not hard-wired must be replaced with 10-year tamper proof batteries.			
10	Electrical in good working order with proper covers, no exposed wiring, light fixtures in good working order.			
11	Heating facilities are in good working order. No gas burning appliances are located in bedrooms.			
12	Evidence of roaches, insects and rodents, not observed in unit or in shared, public or exterior areas: (Note: extermination is required prior to re-releasing a vacant unit).			
13	A safe, continuous and unobstructed path of travel shall be provided from any point in the unit or structure to the public way. Means of egress shall comply with the International Fire Code.			
14	Updated fire extinguishers 2A-10BC or greater with current inspection tag are located in the common hallways within 75' of the entrance doors to all units on the same floor; or located inside individual units.			
15	Units maintained with no excessive trash rubbish or stored items. No excessive damage, abuse, or negligence contributing to decline in unit function as designed.			
16	No over-occupancy or change in unit configuration to increase occupancy.			

17	No charcoal burners, LP gas over nominal 1 lb capacity, or other open flame cooking device used on balcony not equipped with a sprinkler. No LP storage tank over nominal 1 lb capacity, flammable liquid storage tank, gas powered tool or vehicle stored in unit.			
18	Every unit not serviced by a sprinkler system is equipped with an NSF certified automatic fire suppression device located in the vent hood or open area above stove or cooking range; beginning November 1, 2020			
19	Light for common halls & stairways at least one 60 watt incandescent bulb or equivalent per 200 sq. ft. of floor or stairs. Light fixture to be "whole".			

Code Compliance Certificate

**Building Department
Code Enforcement Division
City of Newnan, GA
25 Lagrange Street
Newnan, GA 30263**

Re: *Property Name*
Address
Primary Contact

_____ Total Units on Property

_____ Units Inspected (Refer to attached spread sheet)

100-150-2019-18

To Whom It May Concern:

The undersigned is a Certified Building Inspector pursuant to City of Newnan Code of Ordinances Chapter 5, *Buildings and Building Regulation*, Article VIII, *Multifamily Rental Housing*, and provides this certification pursuant to such Ordinance.

Those apartment units listed on the Condition Inspection Reports submitted with this document have been inspected and found to be in compliance with applicable building codes of the City of Newnan currently in effect. For purposes of this Certification, compliance with applicable building codes shall be deemed to mean that those units inspected meet those certain Minimum Standards for Basic Equipment and Facilities for Dwellings as set forth on the Condition Inspection Reports. Nothing herein imposes any liability on the City of Newnan or prevents the City of Newnan from enforcing Georgia Minimum Standard Codes as provided by Georgia law and the City of Newnan GA.



Certified and sworn

This ___ day of _____, _____

Signature of Inspector

Name: _____

ICC Registration #: _____

Certification held: _____
