

TOWN OF NORTH BEACH
MAYOR AND TOWN COUNCIL

ORDINANCE NO: 12-07

AN ORDINANCE TO AMEND THE TOWN OF NORTH BEACH RENTAL HOUSING LICENSE ARTICLE TO ESTABLISH A NEW INSPECTION PROCESS AND TO ESTABLISH A PROCESS FOR THE CODE ENFORCEMENT OFFICER OF THE TOWN TO OBTAIN AN ADMINISTRATIVE SEARCH WARRANT IN CASES WHERE HE IS DENIED ACCESS FOR RENTAL INSPECTIONS.

WHEREAS, in Section 69-14 of the North Beach Town Code calls for rental housing licenses to be obtained on an annual basis and inspected annually or as the Code Enforcement Officer deems necessary; and

WHEREAS, the Town of North Beach Mayor and Town Council have determined that the rental housing stock within the Town has increased and improved steadily over the years, therefore the Mayor and Town Counsel feel that regular annual inspections are no longer necessary and are creating an over-burdensome workload for the Code Enforcement Officers; and

WHEREAS, Mayor and Town Council of the Town of North Beach have now determined that it would be in the best interest of the citizens of the Town of North Beach to establish a three (3) year rental housing inspection schedule; and

WHEREAS, Section 69-16 of the Rental Housing License Article calls for inspections of rental properties at the time of application, at the time of a renewal of a license or upon receiving a complaint that a until has substandard livability conditions; and

WHEREAS, the above referenced section calls for a property owner to give access to the Town Code Enforcement Officer for such inspection upon reasonable notice. Presently there is not a section that lays out the proper procedure if a landlord refuses to provide access for an inspection; and

WHEREAS, the Mayor and Town Council of the Town of North Beach have determined that it is in the best interest of the health, safety and welfare of the Town of North Beach to carry out rental inspections and have a remedy if a landowner refuses access for inspections.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of North Beach the following:

Section 1. Section 69-14 of the North Beach Town Code is hereby amended as follows:

A. All rental housing units shall be required to obtain a license as issued by the Town of North Beach for the privilege of renting housing units within the corporate limits of the Town.

B. A rental housing license shall be on a three year renewal (obtained on an annual basis) and shall be inspected one time within each three (3) year cycle or as the Code Enforcement Officer deems necessary as a result of complaints received for substandard conditions.

C. Rental housing licenses shall be billed annually (on July 1st of each fiscal year).

Section 2. Section 69-16 of the North Beach Town Code is hereby amended as follows:

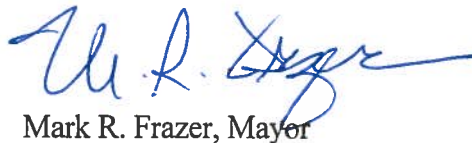
A. Upon applications for said license and prior to the issuance and/or renewal and/or upon registered complaint received by the Town of substandard livability conditions, there shall be an inspection conducted by an authorized agent of the Town of said rental housing units for compliance with the Building Code Administrator (BOCA) National Property Maintenance Code, as amended from time to time.

B. The owner(s) of title or a legally designated agent (designation must be in writing) of said rental units shall, upon application for license or for license renewal and scheduling of inspection with North Beach Code Enforcement Officer, accompany the North Beach Code Enforcement Officer into the premises for the purpose of conducting the required and/or mandated inspections. Inspection for a rental housing license shall be scheduled once every three (3) years or as required by the North Beach Code Enforcement Officer as a result of a complaint for substandard conditions. Scheduling for inspections is made by the North Beach Town Hall personnel.

C. If upon presentation of proper credentials and if after giving reasonable notice of the scheduling of an inspection, the Code Enforcement Officer or his or her agent is denied entrance to a rental property, said officer will give to the denier official notice of a subsequent inspection not longer than ten (10) days hence and at a designated hour. If within ten (10) days upon a second request to inspect the same premises the Code Enforcement Officer or his or her agent is again denied entrance, said Code Enforcement Officer shall petition the appropriate legal body and shall seek to acquire a warrant permitting legal entrance into said premises.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 31st day of July, 2012 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council



Mark R. Frazer, Mayor

ATTEST:



Stacy Wilkerson, Town Clerk
Town of North Beach