

SHORT TERM RENTAL TWO STEP 12/10/17

Stuart Harry Hersh [REDACTED]

- 1. Postpone all action on Property Maintenance Code amendments until Building and Standards public hearing and recommendation has occurred for Part 6 and Part 7 and other possible property maintenance code amendments per 25-1-502 (D)**
- 2. Postpone all action on Type 2 amendments until 2017 per last month's Council action 25-2-789 C and 25-2-789 D; PART 3; PART 4; PART 5; PART 6; PART 8**
- 3. Revise 25-2-791 to require the Director to inspect new Type 1, 1A, and 3 for property maintenance code and occupancy and renewal applications for all short term rentals every two years and delete owner certification and certificate of occupancy submittals as an alternative compliance method 25-2-791 C3a; 25-2-791 C4a; 25-2-791 C5a**

FIXING SHORT TERM RENTALS

- 1. Referral language in Property Maintenance Code for Short Term Rental 1, 2, and 3 definitions**
- 2. Change language in Property Maintenance Code to call adult occupancy 18 years or older and not older than 2 years old**
- 3. Adopt 1,000 foot spacing requirements only for STR 2**
- 4. Require the director to review compliance prior to new license issuance or renewal rather than rely on owner or property manager; fees should reflect this responsibility along with on-site inspection verifying number of bedrooms and Property Maintenance Code compliance**
- 5. Delete language on certificate of occupancy since some properties were built before this requirements was in place in the Building Code or were built outside the City limits and then annexed**
- 6. Prohibit renewal of expired, suspended, or revoked STR2 license**
- 7. Prohibit renewal of suspended STR1 and/or STR3 license until suspension period expires**
- 8. Prohibit renewal of revoked STR1 and/or STR3 license until ownership of property changes**
- 9. Cross-reference property maintenance code language on prohibiting license transfer**
- 10. Require new STR license holders to pay fees for period when STR operated without required license**
- 11. Renew licenses and issue new licenses based on recommended occupancy limits and not those listed in original license issuance**

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1. When repaired otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SECTION 307 STAIRWAYS, HANDRAILS AND GUARDRAILS

307.1 General. Stairways shall be maintained in good condition and in accordance with the building code in effect at the time of construction. Handrails and guardrails shall be provided and maintained in good condition at stairs, landings, balconies, porches, decks, ramps and other walking surfaces and in accordance with the building code in effect at the time of construction.

307.2 Stairways. For buildings constructed during a time where no building code provision related to stairways was adopted, the following provisions shall apply:

307.2.1. Riser height. The maximum riser height shall be 8¼ inches (209 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

307.2.2. Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between vertical planes of the foremost projection of adjacent treads and a right angle to the treads' leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 of an inch (9.5 mm).

307.3 Handrails. For buildings constructed during a time where no building code provision related to handrails was adopted, the following provisions shall apply:

307.3.1 Handrails required. A handrail shall be provided on one side of the stair for every exterior and interior flight of stairs having four or more risers. Existing handrails shall be allowed to remain provided such handrails are not less than 30 inches (762 mm) high or more than 42 inches (1067mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces and are maintained in good condition. Where a handrail is missing or does not comply with this section, a handrail shall be installed in accordance with currently adopted building code requirements.

307.4 Guardrails. For buildings constructed during a time where no building code provision related to guards was adopted, the following provisions shall apply:

307.4.1. Guards required. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Exception: Guards shall not be required where exempted by adopted building code.

307.4.2. Guard spacing and height. Existing intermediate guards with a maximum spacing which does not allow the passage of a 9 inch (228 mm) sphere (or smaller), shall be allowed to remain, provided such guards are maintained in good condition. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Where guards are missing or do not comply with this section, guards shall be installed in accordance with currently adopted building code requirements.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Exception: The keeping, maintenance or management of common domestic honey bee colonies, *Apis mellifera* species, shall be in accordance with City Code [Chapter 3-6 \(Beekeeping\)](#).

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code or Residential Code shall be permitted as applicable.

404.4 Minimum area. Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²). Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Exception: This does not include Efficiency Units under Section 404.6.

404.4.1 Other rooms. With the exception of qualifying Efficiency Units, every bedroom or other habitable room shall contain at least 70 square feet (6.5 m²) of floor area. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. One child per room not more than 24 months in age will be exempt from these calculations.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

505.1 General requirements for water systems. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code.

(c) When a rehearing is granted or when there is an appeal to the city council, the building official shall stay all proceedings of demolition until the conclusion of the rehearing or the appeal. (Code 1967, § 40-17; Ord. No. 770421-B, pt. 1)

Sec. 13-11-78. Reduction of occupancy load; vacation of a structure.

(a) The building official shall give notice by certified mail, return receipt requested, sent to the last known address of the person being notified, of a hearing to consider reduction of occupancy load or vacation of a structure to an owner, lessor, or occupant of a structure that is overcrowded or hazardous to the health, safety and welfare of the occupants.

(b) The building official may place placards on a structure warning of its hazardous condition. No person without authority from the building official shall remove or destroy a placard placed by the building official and no person shall occupy a vacant structure on which a placard has been placed.

(c) A public hearing to consider reduction of occupancy load or vacation of a structure shall be held before the building standards commission at a time more than ten (10) days after receipt of notice by the owner, lessor or occupants. The building official shall present evidence of the overcrowded or hazardous condition of the structure and the owner, lessor or occupants may present evidence on relevant issues.

(d) The building standards commission shall order reduction of the occupancy load if it finds the structure is overcrowded or vacation of a structure if it finds a structure is hazardous to the health, safety and welfare of the occupants. Notice of the order to reduce the occupancy load or to vacate shall be given to the owner, lessor and occupants and the order shall be filed in the deed records of the county.

(e) Each occupant of a structure that has been ordered vacated shall vacate a structure

within a specified time which is determined by the building standards commission. No person shall occupy a structure that has been ordered vacated. The occupants of a structure which has been ordered reduced in occupancy load shall reduce the occupancy to the number ordered by the hearing board within the specified time determined by the board.

(f) A structure is overcrowded if the following standards are not met:

- (1) *Floor space per person.* Each structure shall contain at least one hundred and fifty (150) square feet of habitable floor space for the first occupant and at least one hundred (100) square feet of additional habitable floor space for each additional occupant.
- (2) *Sleeping space per person.* In each structure of two (2) or more rooms, each room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant.
- (3) *Special provisions.* Children under twelve (12) months of age shall not be considered occupants, and children under twelve (12) years of age shall be considered as one-half of one occupant for purposes of subparagraphs (1) and (2).
- (4) *Ceiling height.* For purposes of subparagraphs (1) and (2) a room of a structure must have a ceiling height of at least seven (7) feet to be considered habitable space. (Code 1967, § 40-18; Ord. No. 770421-B, pt. 1)

Sec. 13-11-79. Closure of a structure.

(a) The building official shall give notice by certified mail, return receipt requested, sent to the last known address of the owner of a structure that is open and vacant or a portion of which is open and vacant, notifying him of a hearing to consider closure of the structure.