

|AGENDAMonday, March 28, 2011
|Land Use Committee
|Hall
|Street

*** 4:30 PM
Carnegie Town
235 West 10th

|*** Committee Meeting will start immediately following the adjournment of 4:
|00 pm Informational Meeting. This meeting will take place in the Carnegie
|Chambers.

1. Call To Order
2. Approval of Minutes
- A. Monday, February 28, 2011
3. Discussion
- A. Rental Housing Registration Process Update by Kevin Smith, Assistant
Director of Planning and Building Services
- B. Transit Routes Update by Mike Cooper, Director of Planning and Building
Services
4. Open Discussion
5. Adjournment

Date: 2011-03-28
SIRE Meeting ID: 1459
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube:<https://youtu.be/-AMDZhMMIMQ>
Agenda Item: Not Assigned
Item ID: 57683

The following document(s) are public records obtained from the
City of Sioux Falls.

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REPEALING THE THREE YEAR EXPIRATION OF RESIDENTIAL RENTAL UNIT REGISTRATIONS .

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 11-112 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-112. Permit requirements. No residential rental property owner person shall ~~occupy~~, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental unit within the city that has not been permitted as residential rental unit by the city. Failure to make truthful disclosures under the information required under paragraph (5) below, or if the information disclosed reveals three (3) or more health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, shall be cause for the city to elect to deny such permit. Application for permit for residential rental unit shall be made on forms furnished by the city. A residential rental property owner and/ or the designated agent shall notify the city in writing within 15 calendar days after any change to the information. The application and supporting forms shall require the following information:

- (1) Name, mailing address, and phone number of the property owner, and, if the owner is not a natural person, the name, address, and phone number of a designated agent for the owner.
- (2) The name, phone number, and mailing address of any person authorized to make or order repairs or services for the property, if in violation of city ordinances or state law, if the person is not the owner.
- (3) The street address of the residential rental unit.
- (4) The number and type of units; i.e., dwelling units or sleeping rooms.
- (5) Whether the owner or responsible party as defined by Section 2-111 of the Revised Ordinances of Sioux Falls, SD, have, within the previous three (3) calendar years, been in violation and failed to make timely corrections of health, nuisance, or

other code violations, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, to any property or properties in any municipality, including the City of Sioux Falls.

Section 2. That Section 11-113 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-113. Manner of registration. ~~Within 90 days after the effective date of this article, all~~ All owners of residential rental unit shall have filed an application for permit of the unit with the city. ~~After the initial 90-day period, all residential rental units shall be permitted in accordance with the provisions of section 11-112 of this article.~~

Section 3. That Section 11-114 of Article X of Chapter 11 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-114. Permit expiration revocation. ~~Each permit and renewal permit shall expire either on the 31st day of December in the third year following the year of issuance or earlier when such~~ Each permit may shall immediately expire and be considered revoked, ~~with no additional due process consideration required,~~ upon the city's issuance of any notice of a fourth health, nuisance, or other code violation when said permit holder has been subject to three (3) health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, as to any property in the city.

No action revoking a permit pursuant to this article for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances. The chief building services official or any other person appointed by the mayor shall have the authority to revoke any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance. Appeals from a decision revoking a permit for a residential rental unit shall be pursuant to the appeals process of the *International Property Maintenance Code* and Section 2-60 et seq. of the Revised Ordinances of Sioux Falls, South Dakota. No action revoking a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.

Once revoked ~~No an~~ owner of a residential rental unit in the city shall ~~otherwise allow a permit once issued to expire without making~~ make an application for a renewal permit. ~~However, a~~ A permit or renewal permit shall not be issued ~~until before~~ completion of the following: -a ~~satisfactory city inspection and approval of that dwelling unit's condition of habitability~~if: (A) ~~the owner or responsible party has been subject to three (3) or more citations, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, resulting in fines payable to the city within the previous three (3) calendar years, or (B) if at the time of expiration of said permit there remain unpaid fines for any health, nuisance, or other code violations to the city by the owner or responsible party for the subject property.~~

1. Abatement of any health, nuisance or other code violation at said property.
2. Satisfactory city inspection and approval of the dwelling unit's habitability; and
3. Payment of all outstanding code enforcement citations issued by the city to the owner or responsible party for the subject property.

Section 4. That Section 11-118 of the Revised Ordinances of Sioux Falls, SD, is hereby repealed:

~~**Sec. 11-118. Revocation of residential rental permit.** No action revoking or suspending a permit pursuant to this article for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances. The chief building services official or any other person appointed by the mayor shall have the authority to revoke or suspend any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance. Appeals from a decision revoking or suspending a permit for a residential rental unit shall be pursuant to the appeals process of the *International Property Maintenance Code* and Section 2-60 et seq. of the Revised Ordinances of Sioux Falls, South Dakota. No action revoking or suspending a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.~~

Section 5. That Section 11-119 of the Revised Ordinances of Sioux Falls, SD, is hereby repealed:

~~**Sec. 11-119. Readoption of rental registrations.** The rental registrations and all amendments are hereby reenacted so when this ordinance becomes effective the Article on Rental Housing and all amendments thereto are readopted.~~

Date adopted: _____.

Mayor

ATTEST:

City Clerk

Date: 2011-03-28
SIRE Meeting ID: 1459
Meeting Type: Committee Meeting
Subtype: Land Use Committee
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ARTICLE X. RENTAL HOUSING

■ Sec. 11-110. Purpose.

The purpose of this article is to protect the health, safety, and welfare of the citizens of the city by requiring permit and registration -of rental housing units.

(Ord. No. 111-03, § 1, 11-17-03)

■ Sec. 11-111. Definitions.

Residential rental unit means any building or structure including the real property upon which it is located, which is rented or offered for rent as living quarters. It does not mean on-campus housing, hospital units, nursing home units, or hotels or motels with daily rental units, all of which shall be exempt from any requirements of this article.

(Ord. No. 111-03, § 1, 11-17-03)

■ Sec. 11-112. Permit requirements.

No person shall occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental unit within the city that has not been permitted as residential rental unit by the city. Failure to make truthful disclosures under the information required under paragraph (5) below, or if the information disclosed reveals three (3) or more health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, shall be cause for the city to elect to deny such permit. Application for permit for residential rental unit shall be made on forms furnished by the city. A residential rental property owner and/ or the designated agent shall notify the city in writing within 15 calendar days after any change to the information. The application and supporting forms shall require the following information:

- (1) Name, mailing address, and phone number of the property owner, and, if the owner is not a natural person, the name, address, and phone number of a designated agent for the owner.
- (2) The name, phone number, and mailing address of any person authorized to make or order repairs or services for the property, if in violation of city ordinances or state law, if the person is not the owner.
- (3) The street address of the residential rental unit.
- (4) The number and type of units; i.e., dwelling units or sleeping rooms.
- (5) Whether the owner or responsible party as defined by Section 2-111 of the Revised Ordinances of Sioux Falls, SD, have, within the previous three (3) calendar years, been in violation and failed to make timely corrections of health, nuisance, or other code violations,

excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, to any property or properties in any municipality, including the City of Sioux Falls.

(Ord. No. 111-03, § 1, 11-17-03; Ord. No. 58-07, § 5, 4-16-07)

Sec. 11-113. Manner of registration.

Within 90 days after the effective date of this article, all owners of residential rental unit shall have filed an application for permit of the unit with the city. After the initial 90-day period, all residential rental units shall be permitted in accordance with the provisions of section 11-112 of this article.

(Ord. No. 111-03, § 1, 11-17-03)

Sec. 11-114. Permit expiration.

Each permit and renewal permit shall expire either on the 31st day of December in the third year following the year of issuance or earlier when such permit shall immediately expire and be considered revoked, with no additional due process consideration required, upon the city's issuance of any notice of a fourth health, nuisance, or other code violation when said permit holder has been subject to three (3) health, nuisance, or other code violations resulting in citations and fines payable to the city within the previous three (3) calendar years, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, as to any property in the city. No owner of a residential rental unit in the city shall otherwise allow a permit once issued to expire without making application for a renewal permit. However, a permit or renewal permit shall not be issued before completion of a satisfactory city inspection and approval of that dwelling unit's condition of habitability if: (A) the owner or responsible party has been subject to three (3) or more citations, excluding any notices or violations issued pursuant to Section 38-76 or Sections 42-50 through 42-52, resulting in fines payable to the city within the previous three (3) calendar years, or (B) if at the time of expiration of said permit there remain unpaid fines for any health, nuisance, or other code violations to the city by the owner or responsible party for the subject property.

(Ord. No. 111-03, § 1, 11-17-03; Ord. No. 58-07, § 6, 4-16-07)

Sec. 11-115. Correction of defects and enforcement.

Whenever the city determines that a residential rental unit, whether permitted or not, has failed to meet the requirements of any applicable city ordinance, the city shall proceed with enforcement as provided within the applicable ordinance. The city may also proceed to revoke or suspend any permit issued for a residential rental unit for serious and continuing substantial noncompliance with any applicable city ordinance. In addition to all other remedies, the city may seek to enjoin any unit from being operated as a residential rental unit that is not properly permitted by the city.

(Ord. No. 111-03, § 1, 11-17-03)

Sec. 11-116. Property transfers.

To transfer a permit for a residential rental unit from one owner to another, the applicant shall give written notice, including the name and address of the transferee, to the city of the transfer within 30 days after such transfer. Any permit for a residential rental unit being transferred shall expire upon its original expiration date.

(Ord. No. 111-03, § 1, 11-17-03)

Sec. 11-117. No waiver of code compliance.

No permit issued for a residential rental unit shall be deemed to cure, waive, or grant a right of continued operation for property that is determined to be in violation of any applicable ordinances of the city.

(Ord. No. 111-03, § 1, 11-17-03)

Sec. 11-118. Revocation of residential rental permit.

No action revoking or suspending a permit pursuant to this article for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances.

The chief building services official or any other person appointed by the mayor shall have the authority to revoke or suspend any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance. Appeals from a decision revoking or suspending a permit for a residential rental unit shall be pursuant to the appeals process of the *International Property Maintenance Code* and Section 2-60 et seq. of the Revised Ordinances of Sioux Falls, South Dakota. No action revoking or suspending a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.

(Ord. No. 111-03, § 1, 11-17-03; Ord. No. 105-08, § 48, 8-18-08)

Sec. 11-119. Readoption of rental registrations.

The rental registrations and all amendments are hereby reenacted so when this ordinance becomes effective the Article on Rental Housing and all amendments thereto are readopted.

(Ord. No. 111-03, § 1, 11-17-03; Ord. No. 58-07, § 7, 4-16-07)

Date: 2011-03-28
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ROUTE 12 FACT SHEET

- * Route 12 began in **mid-2009** by reducing the runs on Route 11. This was a way of adding a new route without adding to Transit's operating costs.
- * Route 12, which provides **service** to Avera Behavioral Health Clinic, Avera Heart Hospital, McGreevy Clinic, Globe University, National American University, and Colorado Technical University, begins each day at 9:05 a.m. with the last pullout at 5:45 p.m.
- * Classes at Globe University and Colorado Technical University are held Monday through Thursday, beginning at 8 a.m. each day and finishing at 10 p.m. National American University holds classes Monday through Friday, 8 a.m. – 10:20 p.m.
- * The employee **shifts** at Avera Behavioral Health Clinic are 7 a.m. – 3 p.m. and 3 p.m. – 11 p.m. Route 12, which provides service to Avera Behavioral Health Clinic, begins at 9:05 a.m. with the last pullout at 5:45 p.m. Service runs Monday through Saturday.
- * **Patients** are seen at Avera Behavioral Health Clinic between the hours of 8 a.m. and 5 p.m. Other programs run from 8 a.m. – 3 p.m. If someone chooses to use the transit system, it would be a patient with a scheduled appointment or program (not those in a crisis situation) or families visiting patients.
- * The cost to operate Route 12 for the year 2010 was just over **\$91,000**. Even though many riders use a pass option to reduce their per-ride cost, using a \$1.00 fare for each ride given in 2010 for easy calculating would have provided SAM with \$3,120 in revenue.
- * Running Route 12 earlier or longer each day would not be possible without **adding** to Transit's operating budget.
- * In 2010, the cost per ride on Route 12 was **3 ½** times more than the next most expensive route.
- * Of the 13 routes serving the community, **seven** of them had a per-ride cost less than \$4.00.
- * The annual subsidy from the City for transit service went from **\$2.9** million in 2005 to **\$3.7** million in 2010. Only Route 12 has been added to the system within that time but it was added by taking away from another route so it had a neutral effect on the operating budget.
- * The average ridership per month in 2010 on Route 12 was **260** rides. The average ridership per month in 2010 on the next route with the least number of rides was 733 rides. The route with the highest ridership numbers in 2010 provided an average of 13,746 rides per month.
- * A survey was conducted on Route 12 for the month of December to track where riders were getting on and off. Less than one passenger a day boarded or deboarded at every stop throughout the route.
- * According to the drivers, a large number of **riders** on Route 12 are actually Route 11 passengers riding Route 12 to pass the time until the next run on Route 11.
- * The elimination of Route 12 will allow Route 10 to be **shortened** by one hour. The focus on changing this route was to address the many requests over the years from transit riders to reduce the length of the run.

SIOUX AREA METRO

Cost per Ride Spreadsheet - 2010

Route #	Average Rides per Month	Annual Operating Cost	Cost per Ride
1	5,394	\$404,384	\$6.25
2	5,854	\$404,384	\$5.76
3	12,013	\$551,433	\$3.83
4	5,939	\$220,573	\$3.09
5	5,295	\$183,811	\$2.89
6	6,182	\$183,811	\$2.48
7	13,746	\$404,384	\$2.45
8	3,942	\$147,049	\$3.11
9	4,391	\$183,811	\$3.49
10	6,785	\$477,909	\$5.87
11	1,235	\$91,906	\$6.20
12	260	\$91,906	\$29.46
19	733	\$73,524	\$8.36