

This meeting was cancelled on 04/25/11 during the Informational Meeting at approximately 5:40 p.m.

AGENDA	Monday, April 25, 2011		
Land Use Committee		*** 4:30 PM	
Hall		Carnegie Town	
Street		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, March 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
 - C. Chapter 24, Licensed Manufactured Home Parks Ordinance Amendment Proposal by Shawna Goldammer, Zoning Enforcement Manager; Kevin Smith, Assistant Director of Planning and Building Services; and Jeff Schmitt, Chief Planning and Zoning Official
4. Open Discussion
5. Adjournment

Date: 2011-04-25
SIRE Meeting ID: 1477
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube:<https://youtu.be/JNstsZy0Bro>
Agenda Item: Not Assigned
Item ID: 58058

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. All owners of a residential unit shall have filed an application of the unit with 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. Permit revocation. Each permit may be revoked upon the city's issuance of any notice of a fourth health, nuisance, or other 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 Section 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 an owner of a residential rental unit in the city shall make an application for a renewal permit. A permit or renewal permit shall not be issued until completion of the following:

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.

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at: 1.04"

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.

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. 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.

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~~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.~~

Section 4. That Section 11-115 of Article X of Chapter 11 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-115. Property transfers . To transfer a permit for a residential rental unit from one owner or management company to another, the applicant shall give written notice, including the name and address of the transferee, to the city of the transfer within 60 days after such transfer.

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Section 5. That Section 11-116 of Article X of Chapter 11 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-116. 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.

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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.

Section 6. That Section 11-117 of Article X of Chapter 11 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 11-117. 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.

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Section 6. 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 7. That Section 11-119 of the Revised Ordinances of Sioux Falls, SD, is hereby repealed:

Sec. 11-119. Redoption 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: 2011-04-25
SIRE Meeting ID: 1477
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube:<https://youtu.be/JNstsZy0Bro>
Agenda Item: Not Assigned
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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.

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Section 7. That Section 11-118 of the Revised Ordinances of Sioux Falls, SD, is hereby repealed:

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Section 8. 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