



## MARQUETTE CITY FIRE DEPARTMENT

418 S. THIRD ST.  
MARQUETTE, MI 49855  
906/225-8936 Phone  
906/228-0413 Fax



Fire Chief  
Tom Belt

Fire Inspector  
Ian Davis

Captain  
Steven Hodgins

Captain  
Daniel Lancour

Captain  
Dean Mallos

Dear Marquette Rental Property Owner and/or Operator:

City Ordinance 521 requires all rental dwelling units to be registered with the City of Marquette. In order to make compliance easier for you, attached are the following:

1. A copy of Ordinance 521 and key points of the Ordinance
2. Rental Registration Application and Parking Site Plan (return both with payment)
3. Fire Department Compliance Tip Sheet – to help assist you with inspections.
4. Other Important Code of Reference for Residents

Please fill out a registration form for each structure that you own, or for which you are responsible. Return your rental registration fee and registration materials to the address provided. *Owners or operators need to include a copy of drivers license/state issued id with picture, and legible birth date.*

Please note that registration fees are on a one time basis per new and current owner. \$35.00 per structure, and \$5.00 per additional structure located on the same parcel of land. Fees for compliance inspections are based on an hourly rate structure. Inspections are completed every three years and the approximately fee would be between \$50.00 and \$60.00.

Be advised that failure to register and pay the fees will make you subject to fines.

If you have any questions or concerns, please contact the Rental Department at the above number. Thank you.

Tom Belt, Fire Chief

This information is also available on our website @[www.mqtcty.org](http://www.mqtcty.org) and click on Departments: Fire.

**City of Marquette**  
**Rental Registration Application**  
**Ordinance 521**

If you have any questions regarding items 1 thru 6, please inquire to the Community Development Office at 228-0425.

**General**

1. Property Address: \_\_\_\_\_
2. Property tax number (7 digits): \_\_\_\_\_
3. Year structure became a rental: \_\_\_\_\_
4. Number of dwelling units: \_\_\_\_\_
5. Number of private entrances: \_\_\_\_\_
6. Number of off-street parking spaces: \_\_\_\_\_

**Owner**

7. Owner(s) Name: \_\_\_\_\_
8. Address: \_\_\_\_\_
9. City: \_\_\_\_\_
10. State: \_\_\_\_\_ 11. Zip: \_\_\_\_\_
12. Phone (home): \_\_\_\_\_ 13. Work: \_\_\_\_\_
14. Fax: \_\_\_\_\_
15. E-mail: \_\_\_\_\_
16. Signature of owner(s): \_\_\_\_\_  
\_\_\_\_\_
17. Date: \_\_\_\_\_

**Local Operator (if not owner)**

18. Name of Operator(s): \_\_\_\_\_
19. Mailing Address: \_\_\_\_\_
20. City: \_\_\_\_\_
21. State: \_\_\_\_\_ 22. Zip: \_\_\_\_\_
23. Phone (home): \_\_\_\_\_ 24. Work: \_\_\_\_\_
25. Fax: \_\_\_\_\_ 26. E-mail: \_\_\_\_\_
27. Signature of local operator(s): \_\_\_\_\_  
\_\_\_\_\_
28. Date: \_\_\_\_\_

**Organization**

29. Type of Entity:

- Corporation  Fraternity  Sorority  Partnership  Trust  Co-operative  Other

30. Name of Entity: \_\_\_\_\_

31. Corporate ID number: \_\_\_\_\_ State Issued: \_\_\_\_\_

**32. ATTACH THE FOLLOWING: A copy of the owner's or operator's driver's license with picture I.D. and legible birth date. If not a licensed driver - then an official state or police photo I.D. with birth date may be substituted. The copy of your license, I.D. and birth date will be in a secured file at the Fire Department. There will be NO electronic filing of this information. Owner/Operator will be contacted by the Fire Department to schedule a compliance inspection. Owner or Owner's legal operator must accompany the Fire Inspector during the compliance inspection.**

**Fees for Rental Structure Registration**

Registration fees are on a one time basis per new and current owner

\$35.00 per rental structure

\$5.00 per additional rental structure located on the same parcel of land

**Fees for Rental Structure Compliance Inspection**

Rental compliance inspection fees are based on an hourly rate per structure.

This inspection is completed every three (3) years. A one dwelling unit structure would have a fee between \$50.00 and \$60.00.

**Return form(s), check or money order to:**

Marquette City Fire Department  
 Attention: Rental Program  
 418 S. Third Street  
 Marquette, MI 49855  
 Marquette Fire Dept. (906) 228-0410

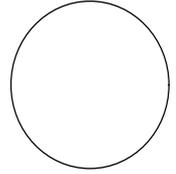
**For office use only:**

Fire Department	Financial Services	Community Development
Date received: _____ Forms Complete: Yes No	Date received: _____ Current taxes paid: Yes No	Date received: _____ Zoning compliance: Yes No
Check #: _____ Or Money order #: _____	DLQ taxes at County: Yes No Accounts Receivable: Yes No	(If no – give reason) _____
Copy made: _____	Past due utility bills: Yes No	_____
Fwd. to F.S. Date/initial: _____	Fwd. to C.D. Date/initial: _____	Return to Fire Dept. Date/initial: _____

\*Please print completed form, but don't forget to include any appropriate signatures, and fill out the rental parking site plan.

# Rental Parking Site Plan

Please turn over for sample site plan, provided for guidance.



Please indicate  
direction of North

Total Parking Spaces Required =	<input type="text"/>
Total Parking Spaces Provided =	<input type="text"/>

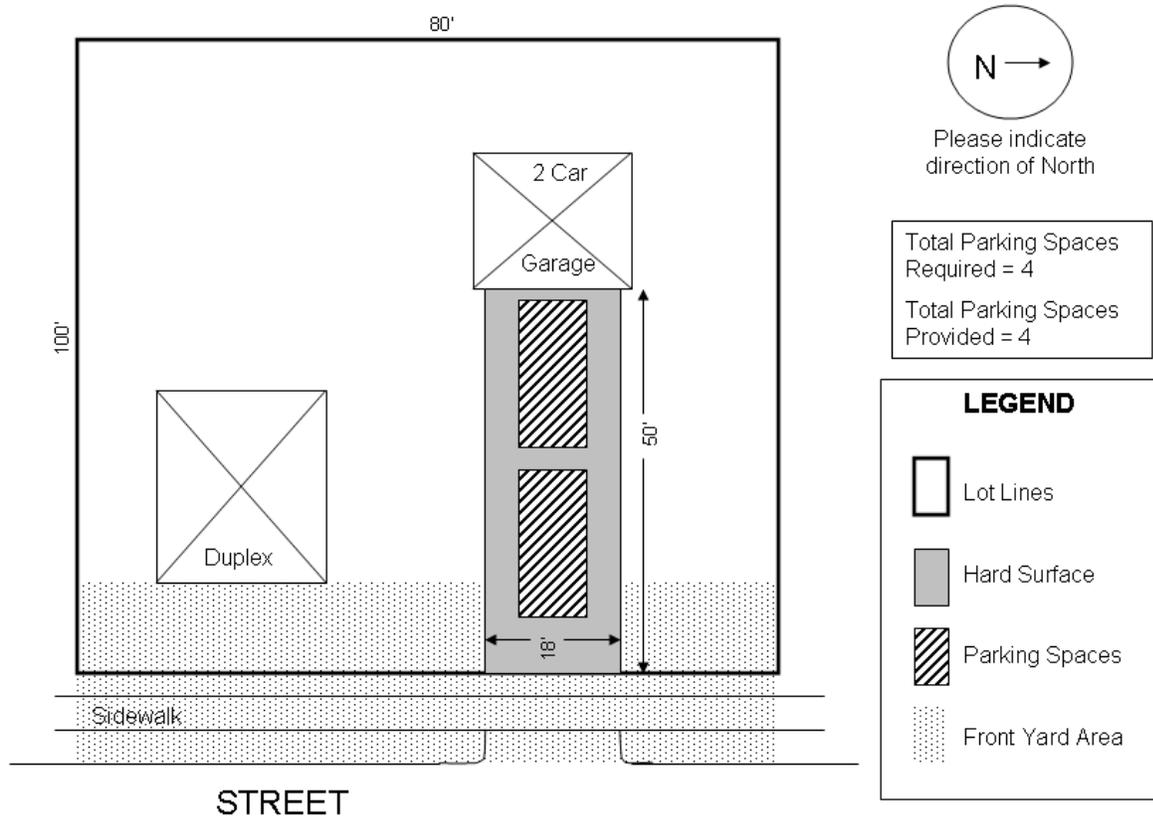
Number of Rental Units =	<input type="text"/>
Number of Renters Per Units =	<input type="text"/>

Please provide a site plan for all off-street parking spaces.

- Show and label property lines.
- Show and label structures.
- Show driveway location and dimensions.
- Mark off-street parking spaces for vehicles.
- Indicate North.

If you have any questions please contact the Community Development Department at (906) 225-8380 or e-mail [zoning@mqcty.org](mailto:zoning@mqcty.org).

# Sample Rental Parking Site Plan and Zoning Ordinance Information



**Note: Two parking spaces shall be provided for each dwelling unit.**

**Duplexes in the RS and RG Zoning Districts require two parking spaces for each dwelling unit which shall be located behind the front yard.**

**HARD SURFACE:** For one and two family dwellings a hard surface shall consist of compacted gravel, concrete or asphalt pavement, pavers or other products designed for parking.

**PARKING SPACE:** A defined area of at least 9 feet by 18 feet for the storage or parking of a vehicle. This area is to be exclusive of drives, driveways, aisles or entrances giving access to the space from the public right-of-way.

- Parking is not permitted in the front area with exception of on a driveway or in a garage. All parking in the front area shall be on parking spaces which are at least 2 feet from the side lot line, at least 2 feet from the inside edge of a sidewalk, and at least 10 feet from the edge of an established street.

If you want to draw your site plan on an aerial photo, it may be obtained for a fee from the Community Development Department located at 300 W. Baraga Avenue.



Marquette  
www.mqtcty.org

## Important Code References for Residents

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As a member of the community, we ask for your cooperation in keeping Marquette a place to be proud of. The following ordinances are intended to promote high-quality places to reside, conduct business, and to recreate. These codes are supported by a solid enforcement program.

**Homeowners** are responsible for securing required zoning and building permits for exterior and interior renovations to your home. Please call 225-8383 for zoning compliance inquiries and 225-8180 for building permits. Fines may be issued for building done without relevant permits.

- **Section 38-24** of the City's Garbage and Rubbish ordinance: All yards, alleys, streets, vacant lots, or other spaces in the City shall be kept free from rubbish, special materials, and garbage, unless the same is contained in covered containers. All garbage and rubbish to be picked up must be in such containers as required by City Commission action. All containers shall be tightly closed at all times, and all approved garbage bags shall be properly tied. Plastic bags shall not exceed thirty (30) pounds. The property owner is responsible for damage to containers resulting from dogs, cats, rodents, etc.
- **Section 10-41** of the City's Basic Property Maintenance Code Ordinance: Household furniture that has been designed for interior use shall not be placed on the exterior premises and/or open porches for a period exceeding 12 hours.
- **Section 22-33** of the City's Nuisance Ordinance: It shall be unlawful for any person to accumulate or permit the accumulation on any yard, alley, vacant lot or other spaces in the City of any lumber, boxes, barrels, bricks, stone, scrap metal, motor vehicle bodies or parts, or similar materials, or rubbish or any articles or junk, except as may be necessary and incidental to construction work or the normal course of a business or trade.
- **Section 80.42.C(1)** of the Marquette City Zoning Ordinance states that parking is not permitted in the front area except on a driveway or in a garage. All parking in the front area shall be on parking spaces which are at least 2' from the side lot line, at least 2' from the inside edge of a sidewalk, and at least 10' from the edge of an established street.
- **Section 22-102** of the City's Noxious Weeds Ordinance: **(If tenant is responsible per lease)** No person shall fail to keep cut any grass or weed which exceeds a height of six (6) inches, is located on public property, private property, or adjacent right-of-way, and is within fifty (50) feet of a structure or public right-of-way.
- **Section 80.02** of the Marquette City Zoning Ordinance states the definition of **Family**: 1) A basic unit having at its nucleus one or two persons who may be providing care for their children and/or elderly parents plus not more than two other persons; or, 2) Not more than four unrelated persons living together as a single housekeeping unit.
- Please check your Zoning District in the Marquette City Zoning Ordinance to verify that you have the correct amount of dwelling units that the Zoning District allows. The following are the residential district sections:
  - RS 80.20 Single Family Residential District
  - RG 80.21 General Residential District
  - RM 80.22 Multiple Family Residential District



## **KEY POINTS**

### **City of Marquette Ordinance #521 Rental Fire Safety Code**

The following are some of the main points contained within the new rental code. The code in its entirety may be viewed on the City of Marquette's website – [www.mqtcty.org](http://www.mqtcty.org)

Copies of the International Property Maintenance Code and NFPA Life Safety Code may be viewed at the Peter White Library, the City Fire Department, or the City Clerk's office. Those codes are governing documents of the new City Ordinance.

- All dwellings fully or partially let for rent must be registered. Registration is one time only or when the property is transacted to new ownership. Registration forms will be available online and will be sent in a mailing.
- Registration certificates will be issued upon the payment of the fees. The certificates must be posted in either common areas of multi-family dwellings or in each separate private entrance to dwelling units.
- Following the registration period, a mandatory compliance inspection will be scheduled over a three-year cyclical period. A successful passing and fee payment of that inspection will result in the issuance of a compliance certificate.
- If an owner of a rental property resides outside of Marquette County, then a local operator must be appointed to serve as a contact person.
- Failure to register or failure to comply with fire, life safety, or property maintenance codes will be infractions ranging from civil to misdemeanor.
- There is an appeals procedure for non-compliant situations that can be viewed in section 42.09 of the Ordinance.
- If you have further questions, please feel free to contact the City of Marquette Fire Department at (906) 225-8936 or email us at [www.mqtcty.org](http://www.mqtcty.org) and click on Fire Department.

## Fire Department Compliance Tip Sheet (These are general guidelines)



1. **Smoke Detectors are required in the following areas:**

- A. A standard battery-powered Smoke Detector in each bedroom.
- B. A standard battery-powered Detector in the basement.
- C. A single Smoke Detector installed outside the bedroom area powered by an Alkaline battery.

If installing a smoke detector on a wall is unavoidable, the detector should be no more than 6 inches from the ceiling. Locating smoke detectors too close to kitchens and bathrooms (smoke and steam) may cause nuisance alarm. There are smoke detectors available that contain interrupt buttons that may deactivate the detectors for temporary period of time. This may be a consideration for you.



2. **Make sure those bedroom windows that serve as a second means of emergency egress are easily operable. This includes storm windows. Older homes with wooden or non-operable storm windows can be hinged, latched, and made to be opened horizontally. Egress rated windows must be not less than 20 inches wide, not less than 24 inches in height, and not more than 44 inches from the bottom opening to the floor.**
3. **Be sure that all bedroom doors close securely and act as smoke barriers, as they are intended. Bottom spaces of doors should have no more than 3/4 inch openings.**



4. **Attics and basements used for habitation will be of particular interest to Fire Inspectors. Attics are difficult to make code compliant. We recommend that you do not make attic spaces habitable until you consult the Fire Department. Basement spaces, while not as difficult to make compliant, should again be pre-inspected by the Fire Department. Both of the above spaces were rarely designed for habitation, and in most cases are not suitable for habitation unless modified – in some cases – extensively. We do not recommend that you rent basements or attics without consulting the Fire Department, and receiving the correct code compliance guidance.**

- ✦ **These tips are general. Various properties may require 3 different compliance items. Again, if you have questions – feel free to call the Fire Department at (906) 225-8936.**

The governing documents of Ordinance 521 are the 2003 International Property Maintenance Code and the National Fire Protection Association 101: Life Safety Code 2003. These books can be viewed at the Peter White Public Library, the Marquette City Clerk's Office at City Hall or the Fire Department, Station #1, 418 S. Third Street.

If you want to purchase your own copies you may contact:

NFPA Life Safety Code 101.2003  
11 Tracy Drive  
Avon, MA 02322-9908  
1 (800) 344-3555

2003 Property Maintenance Code  
ICC Distribution Center  
4051 West Flossmoor Road  
Country Club Hill, IL 60478-5795 1 (800) 214-4321

## ARTICLE III. - RENTAL FIRE SAFETY CODE

[Sec. 26-44. - Purpose.](#)  
[Sec. 26-45. - Scope.](#)  
[Sec. 26-46. - Definitions.](#)  
[Sec. 26-47. - Registration.](#)  
[Sec. 26-48. - Registration forms.](#)  
[Sec. 26-49. - Compliance inspection.](#)  
[Sec. 26-50. - Certificate of compliance required.](#)  
[Sec. 26-51. - Penalty.](#)  
[Sec. 26-52. - Appeal.](#)  
[Secs. 26-53—26-77. - Reserved.](#)

### **Sec. 26-44. - Purpose.**

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures, and for improving rental arrangements within the city. Such standards are an important factor supportive of the general health, safety, and welfare of all of its citizens. This article is designed to promote the continuing maintenance of quality and safe rental properties, and to enhance and maintain property values.

(Code 1999, § 42.01; Ord. No. 521, 8-9-2004)

### **Sec. 26-45. - Scope.**

(a) This article shall apply to any structure or part thereof, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation; or to any occupant therein. Such structures shall include, but not be limited to, single-family dwellings, multiple-family dwellings, roominghouses, housekeeping units, rooming units, or bedrooms as defined in the International Property Maintenance Code in its most recent version adopted by the city.

(b) This article does not apply to jails, nursing homes, school dormitories, hospitals or other health care facilities provided by legal not-for-profit agencies that are inspected, certified and/or licensed by the state, nor federally licensed and inspected properties.

(c) This article shall be governed by the N.F.P.A. No. 101 Life Safety Code and the International Property Maintenance Code, in their most recent versions adopted by the city, including definitions of applicable terms. The city will purchase copies of these two codes in their most recent versions, and place them with the Peter White Library for public use.

(Code 1999, § 42.02; Ord. No. 521, 8-9-2004)

### **Sec. 26-46. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Bedroom* means any room or space used or intended to be used for sleeping purposes.

*Certificate of compliance* means a certificate issued by a city fire inspector denoting that the structure has undergone a fire/life safety inspection performed by a city fire inspector and that the structure at that time is in compliance with applicable codes.

*Certificate of registration* means a certificate issued by city fire inspectors, which denotes that the holder has registered the structure as a rental property within the city.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Fire inspector* means the fire department personnel appointed by the fire chief, who are charged with the administration and enforcement of this article, authorized by the fire chief under section 26-82.

*Habitable space* means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Housekeeping unit* means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Let for occupancy* or *let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.

*Occupant* means any individual living or sleeping in a building or having possession of a space within a building.

*Operator* means any duly authorized person who has charge, care or control of a structure or premises which is let or offered for occupancy. Owners must officially notify the city of any operator authorized to act on his behalf; as required in section 26-48, some owners are required to use an operator. In some situations, the owner could also be the operator.

*Owner* means any person having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Posting.* Certificates of registration and compliance shall be permanently affixed to an interior wall, in a conspicuous and readable place; completely protected from the elements; and with a transparent protective cover. Certificates must be posted in a street side (address side) common entryway, except if there is no street side common entryway, then in the main common entryway, or in the case of separate private entrances, then in each private entrance to meet this requirement.

*Rental structure* means an occupancy let to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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*Revocation.* A certificate of compliance, revoked for cause, will render the structure unfit for human habitation, upon the exhaustion of due process remedies. Certificates of compliance will be reinstated when a structure's condition is brought back into compliance with this article.

*Right of entry.* A fire inspector is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is not obtained, the fire inspector is authorized to pursue administrative warrants or any other recourse as provided by law.

*Rooming unit* means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Roominghouse* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Structure* means that which is built or constructed, or a portion thereof.

(Code 1999, § 42.03; Ord. No. 521, 8-9-2004)

**Sec. 26-47. - Registration.**

All dwelling units in rental structures are required to be registered pursuant to this article and shall comply with the following:

- (1) All newly constructed rental structures and their dwelling units shall be registered prior to any use or occupancy as a rental structure.
- (2) All existing non-rental structures which are legally converted to rental structures shall be registered, along with their dwelling units, prior to the date on which the property is first occupied for rental purposes.
- (3) A new owner or purchaser shall register a rental structure which is sold, transferred, or conveyed from the previous owner within 30 days of the date of the sale/closing. New owners of rental structures are responsible for the completion of the registration process, including all dwelling units.
- (4) A certificate of registration shall not be issued to dwelling units in rental structures with outstanding previously billed property taxes; current or past due special assessment installments; water or sewer bills outstanding; charges against the property for mowing, cleanup, weed or debris removal, or similar charges made by the city; or fees, fines, penalties, or debts of any sort arising from provisions or enforcement of this article.
- (5) A certificate of registration shall not be issued to rental structures and dwelling units if the owner has been found in violation of requirements for off-street parking, as required in the city's zoning ordinance.
- (6) A local operator for each and every rental unit is required if an owner (at least one of multiple individuals) does not reside in the county. A local operator is also required when the owner is a corporation or other legal entity. The owner is required to notify the city of the identity of the person they have designated to be their operator (and alternate operators where that is so desired).

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(Code 1999, § 42.04; Ord. No. 521, 8-9-2004)

**Sec. 26-48. - Registration forms.**

(a) An application for a certificate of registration shall be made in such form and in accordance with such instructions as may be provided by the fire inspectors designated by the city and shall include, but not be limited to, the following information:

(1) Rental property information containing the following:

- a. Rental property address.
- b. Tax parcel ID number.
- c. Actual or estimated year built.
- d. Number of dwelling units contained within.

(2) Owner information containing the following for each owner:

- a. Owner name (if the owner is a corporation, the name of an authorized representative).
- b. Owner address.
- c. Home phone.
- d. Work/business phone.
- e. Signature.
- f. Date.
- g. Email address.

(3) Local agent information (when utilized by owners) containing the following:

- a. Local operator's name.
- b. Address.
- c. Home phone.
- d. Work/business phone.
- e. Signature of the operator.
- f. Signature on behalf of the owner or corporation.
- g. Date.
- h. Email address.

(4) Required attachments, including the following:

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- a. A photocopy of each owner's driver's license with a legible birth date, or, in the case of corporate ownership, a photocopy of the driver's license of the authorizing officer, with a legible birth date.
- b. A photocopy of local operator's driver's license with a legible birth date.

A state-issued photo identification card can be used to substitute for a driver's license.

(b) It shall be the responsibility of the owner to advise the fire department in writing of any changes concerning the local operator. Notification of changes must be made within 30 days.

(c) Subsequent to registration, the fire department shall schedule a compliance inspection within three years of the registration. Compliance inspection shall be scheduled in a reasonable manner with respect to the fire inspector and the owner's or operator's schedule.

(Code 1999, § 42.05; Ord. No. 521, 8-9-2004)

**Sec. 26-49. - Compliance inspection.**

(a) A fire inspector shall inspect rental structures on a periodic basis of once every three years; upon completion of the registration and receipt of the fee, a fire inspector shall schedule a compliance inspection within three years of the registration. Efforts shall be made to schedule each compliance inspection at a reasonable time with respect to the fire inspector and the owner and/or operator.

(b) Non-periodic inspections, specified in subsections (b)(1) through (4) of this section, will be scheduled as soon as practicable by the fire department:

(1) Upon receipt of a complaint from an owner, operator, occupant or citizen who would have occasion to be aware that the premises are in violation of this article. If a fire inspector determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a municipal civil infraction shall be charged to the complainant.

(2) Upon receipt of a report or a referral from the police department, fire department, community development department, public or private school or other public agency.

(3) Upon receipt of knowledge that a rental unit is not registered with the city as required by this article.

(4) Upon evidence of an existing property maintenance code violation observed by or brought to the attention of a fire inspector.

(c) Fire inspectors are empowered to enter at any and all reasonable times upon and into any premises, building or structure for the purpose of examining and inspecting the same (see section 26-82).

(d) Upon satisfactory completion of the compliance inspection, and upon receipt of the fee, a fire inspector will issue a certificate of compliance.

(e) If a dwelling unit should fail the regular inspection, a subsequent re-inspection will be required, and an additional fee must be paid for the reinspection before a fire inspector will issue a certificate of compliance.

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(1) With a failure of the regular inspection, the fire inspector will establish clear requirements of what steps must be undertaken by the owner or operator, and in what timeframe, in order to (first) schedule the re-inspection, and (second) permit issuing a certificate of compliance when those requirements have been met.

(2) The fire inspector must indicate whether the conditions are such that the rental dwelling unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.

(f) If a dwelling unit is required to undergo a non-regular inspection pursuant to any of the items under subsection (b) of this section, the inspection will be based on the same criteria as the regular inspections, and failure to pass will lead to a fire inspector nullifying the previous certificate of compliance. A fire inspector will also establish clear requirements of what must be undertaken by the owner or operator, and in what timeframe, in order to schedule a re-inspection, and where warranted to re-issue the certificate of compliance. Further, a fire inspector must indicate whether the conditions are such that the rental unit must be vacated, or whether steps to bring the unit up to code may continue while the unit continues to be rented by tenants.

(1) If the rental unit that undergoes a non-regular inspection passes the inspection, there will be no fee for this inspection.

(2) If the rental unit that undergoes a non-regular inspection fails to pass the inspection, there will be a fee for the non-regular inspection, as well as a fee for the re-inspection required to establish compliance with this article.

(g) Violations of this article, the remedies, and stated deadlines shall be mailed by first class mail to the owner or the operator, and by first class mail to the tenant within seven business days subsequent to the inspection. The notice of violation shall state the right of appeal and the instructions for making such an appeal.

(h) Fees shall be paid prior to the registration and at the time of the compliance inspection.

(Code 1999, § 42.06; Ord. No. 521, 8-9-2004)

**Sec. 26-50. - Certificate of compliance required.**

(a) No owner or operator shall lease or rent a rental dwelling unit, unless there is a valid certificate of compliance issued by a fire inspector in the name of the owner. The certificate shall be issued after registration and inspection by a fire inspector to determine that each rental dwelling unit complies with the provisions of the codes of the city.

(b) A fire inspector must inspect the premises before the certificate of compliance is initially issued. Upon failure of the fire inspector to conduct an inspection prior to occupancy, the owner or operator may rent the property until a fire inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the fire inspector's inability to inspect the premises is due to the owner's or operator's action, failure to act, or inability to arrange an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required.

(c) Between 30 and 60 days before the expiration date of the certificate of compliance, the city will arrange with the owner or operator for an inspection date and time and indicate the amount due for the

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next compliance inspection; said notice shall be by first class mail to the address as provided by the owner and/or operator.

(d) The fire inspector shall attempt to inspect the premises before the certificate of compliance expires. Upon failure of the fire inspector to conduct an inspection prior to expiration of the certificate of compliance, the owner or operator may rent the property until the fire inspector has conducted an inspection, and the owner or operator will not be deemed in violation during that time. If, however, the fire inspector's inability to inspect is due to the owner's or operator's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or operator shall not rent the property without a current certificate of compliance as required. If tenants are utilizing the dwelling unit, the fire chief is authorized to require vacation of the dwelling unit. A certificate of compliance shall expire three years from the date of issuance.

(Code 1999, § 42.07; Ord. No. 521, 8-9-2004)

**Sec. 26-51. - Penalty.**

(a) In the event the owner or operator does not correct a violation of any provision of this article, a fire inspector may revoke any existing certificate of compliance and may bring an action to seek the enforcement of this article by an appropriate legal remedy. Any structure not in compliance with this article is deemed a nuisance per se. Fees and fines will be set forth in the city fee schedule as established by resolution of the city commission.

(b) Any owner of a rental dwelling unit who fails to register or who fails to obtain a certificate of compliance for each rental dwelling unit shall be responsible for a municipal civil infraction. Any owner who fails to comply with any of the other parts of this article shall be responsible for a municipal civil infraction.

(c) An owner may be charged with more than one violation of the provisions of this article in a single complaint or municipal civil infraction, provided that each violation so charged relates to the same property.

(d) A violation of any provision of this article shall be a municipal civil infraction, assessed against the owner of the rental structure. Each day that a violation exists shall be considered a separate punishable offense. Repeat violations, failure to repair or eliminate imminently dangerous or life-threatening situations may be cited as misdemeanors.

(Code 1999, § 42.08; Ord. No. 521, 8-9-2004)

**Sec. 26-52. - Appeal.**

(a) *Procedure.* Any owner or operator affected by any notice of violation which has been issued under this article may request and shall be granted a hearing on the matter before the city board of zoning appeals acting as a city rental code appeal board. The affected person shall file a written appeal to the office of the fire department requesting the hearing. The appeal shall include the name, address and phone number of the appellant and a brief statement of the grounds for the hearing. An application for appeal shall be accompanied by a fee as set forth in the city fee schedule to cover the city's cost of handling said appeal. The appeal shall be filed within 21 days after the day the notice of violation is served. Failure to file the written notice of appeal within the 21-day period shall be deemed a waiver of the person's right to a hearing or to otherwise contest the notice of the violation. Upon timely receipt of an appeal, the fire department shall set a time for a hearing before the city board of zoning appeals

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acting as the city rental code appeals board and shall give the appellant written notice of the date, time and location for the hearing.

(b) *Hearings.* Hearings shall be commenced within a reasonable time after an appeal has been filed. At such hearings, the appellant shall be given an opportunity to be heard and to show cause why the notice of violation should be modified or withdrawn. A fire inspector shall be given opportunity to provide information relative to and supportive of charging the violation.

(c) *Decisions and powers of city board of zoning appeals acting as rental code appeal board.*

(1) After a hearing, the city board of zoning appeals, acting as a rental code appeal board, may sustain, modify, or withdraw the notice of violation depending upon its findings. In rendering these determinations, the powers of the board of zoning appeals, acting as a rental code appeal board, shall be strictly limited to making interpretation of the provisions of this article, to the applicability of its specific provisions to the specific case being heard, and to granting exemptions to the provisions of this article. In granting exemptions, the board shall be allowed to grant an exemption if it clearly appears that, by reason of special condition, undue hardship would result from strict application of any section of this article. However, no exemption shall be granted if the same would result in either the purpose or intent of this article, or of any particular sections at issue, being nullified. In reviewing a request for an exemption, the board should consider the following to determine whether an exemption would be appropriate:

- a. Whether there are exceptional or extraordinary conditions applying to the property that do not apply to other similar properties;
- b. Whether the exceptional or extraordinary conditions resulted from the action of the property owner;
- c. Whether there exist alternative or equivalent methods or materials that would allow the purpose and intent of the particular section at issue to be satisfied;
- d. Whether the granting of an exemption would result in a substantial detriment to the property; and
- e. Whether the exemption requested is the minimum exemption possible that would still allow the purpose and intent of the particular section at issue to be met.

(2) The board may permit an exemption from mandatory provisions in such a manner that the public safety shall be secured, substantial justice done and the spirit and intent of the provisions of this article are upheld. In no case shall the board grant an exemption which would lessen the safety, health, and welfare requirements of this article. Any exemption granted shall be for this article and shall not and cannot waive the requirements and provisions of any other ordinance or law. All decisions rendered under this article shall be in writing and shall be final. A copy of the decision shall be mailed to the appellant at the address shown on the appeal.

(3) The failure of the appellant or his representative to appear and state his case at the hearing shall have the same effect as if no appeal was filed and the board shall proceed to deny the appeal and affirm the notice of violation.

(d) *Meetings.* The city board of zoning appeals, acting as a rental code appeal board, shall meet in a fixed place and all meetings shall be open to the public. The board shall keep a record of its

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proceedings, showing the actions of the board and the vote of each member upon each question considered. These records shall be considered public records.

(e) *Appeal of board decision.* The decision of the city board of zoning appeals, acting as a rental code appeal board, shall be final. However, a party aggrieved by the order or decision may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rule.

(Code 1999, § 42.09; Ord. No. 521, 8-9-2004)

**Secs. 26-53—26-77. - Reserved.**