



CITY OF SACO, MAINE

CITY COUNCIL APPROVED CODE SUPPLEMENT

Approved on July 17, 2017 with an effective date on August 17, 2017

CITY CODE AMENDMENT, CHAPTER 147: MULTI FAMILY DWELLING UNIT INSPECTIONS – (SECOND & FINAL READING)

City Code Amendment, Chapter 147: Multi Family Dwelling Unit requires the disclosure of the ownership of a multi family dwelling unit (MDU) with 3 or more rental units. The City intends to hold owners of multi-family dwellings accountable and responsible for the maintenance and safe living conditions by establishing a Multi-Family Dwelling Unit Registration and Inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals.

By requiring the disclosure of ownership, it provides a transparency to the Citizens of Saco and enables City Officials to perform their duties. The City seeks to assure properties come into compliance with current Life Safety practices, and that owners are alerted to any detrimental conditions that could place tenants at risk.

Councilor Roche moved, Councilor Minthorn seconded “The City Council hereby ordains and approves the Second and Final Reading of: ‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’ and implementation of fee schedule Option #1:

Multi Family Dwelling Unit Registration and Inspections

§147-105	Life Safety Inspection Fee per Dwelling Unit	\$100
§147-105	Yearly Fee for Registration per Dwelling Unit	\$50
§147-105	Federally Funded Building per Dwelling Unit	\$10
§147-105	Discount for Fully Sprinkled Building per Unit	\$10
§147-105	Discount for Central Alarm Sytyem	\$10

”

The motion failed with one (1) yea and six (6) nays – Councilors Precourt, Doyle, Roche, Minthorn, Cote and Johnston.

Reconsideration – Councilor Roche moved, Councilor Johnston seconded to reconsider the motion to bring it back to the floor. “The City Council hereby ordains and approves the Second and Final Reading of: ‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’ and implementation of fee schedule Option #1 and reconsider it for Option #2:

Multi Family Dwelling Unit Registration and Inspections Option 2

§147-105	Life Safety Inspection Fee per Dwelling Unit	\$75
§147-105	Yearly Fee for Registration per Dwelling Unit*	\$25
§147-105	Federally Funded Building per Dwelling Unit	\$10
§147-105	Discount for Fully Sprinkled Building per Unit	\$15
§147-105	Discount for Central Alarm Sytyem	\$15

* If dwelling unit is newly constructed, fee is reduced to \$10 per year for the first 5 years from the date of issue of the Certificate of Occupancy ”

The motion passed with seven (7) yeas.

City of Saco Code Amendment: Chapter 147- Multi Family Dwelling Unit Registration and Inspections,”

Chapter 147. Multi Family Dwelling Unit Registration and Inspections

Section 147-101. Purpose:

The City intends to hold owners of multi-family dwellings accountable and responsible for the maintenance of safe living conditions by establishing a Multi-Family Dwelling Unit Registration and Inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals. Many individuals no longer have land lines and communicate mainly with cell phones which are mostly unlisted. This makes the effort to locate the person(s) who own the property extremely difficult and very time consuming. By requiring the disclosure of ownership, it provides a transparency to the Citizens of Saco and enables City Officials to perform their duties. The City intends to improve safety and sanitary living conditions for the residents of multi-family dwellings by establishing a program of regular inspections of such properties through its Code Enforcement Office. The City seeks to assure properties come into compliance with current Life Safety codes and standards, and that owners are alerted to any detrimental conditions that could place tenants at risk. The City intends to work cooperatively and proactively with owners of such properties by setting a protocol for regular inspections, as well as providing owners with clear standards for maintenance of their properties. The City recognizes the public safety benefits of centrally-monitored fire alarm systems and sprinklers systems by offering discounts for buildings that contain such systems.

Section 147-102. Findings:

Multi-family properties comprise almost 25% of the housing stock in the City of Saco, and it is estimated that over 20% of City residents live within one of these units. Typically, these properties are older and were built prior to the enactment of today's rigorous life safety codes. In addition, the City does not currently have a regular inspection program for such properties. Based on various risk factors such as the age of the existing housing stock, the housing stock consisting of mainly wood frame construction and the lack of a proactive inspections program make the residents vulnerable to a significant life safety event. Fires in nearby communities, where multiple fatalities have occurred, affirm the importance of periodic safety inspections for these types of properties.

Sec. 147-103. Authority:

This proposed Ordinance to be adopted pursuant to the City's home rule authority pursuant to the Maine Constitution and 30-A MRS Section 3001, et seq.

Section 147-104. Definitions:

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Any portion of a single-family home, condominium, or apartment that is rented or is available to rent to an individual or individuals who are not the owners is a rental unit. Dwelling units, rooming units, and sleeping units as defined in the International Property Maintenance Code© as referenced in the City of Saco Chapter 163 are rental units. Dwelling units, rooming units and sleeping units shall be used synonymously.

Life Safety Inspection: An inspection performed by a Code Enforcement Officer and/or Fire Official to evaluate the building for compliance with current life/fire safety standards and compliance with the International Property Maintenance Code©.

Multi Family Dwelling: A building containing 3 or more dwelling units located all within the same structure and under the same ownership.

Property Management Firm: Any company responsible for the management of a multi-family dwelling unit and has access and control over the entire premises.

Property Manager: Any individual responsible for the management of a multi-family dwelling unit and has access and control over the entire premises.

Section 147-105. Multi Family Dwelling Unit Ownership/Registration:

Owner(s) of a multi-family dwelling building shall register their ownership with the City. Registrations are due October 1st of each calendar year or within 30 days of purchase of the property. If a new owner registers for the first time after October 31st, the annual registration fee will be pro-rated on a monthly basis. If a new owner registers mid-month, they will not be charged for the month which they register. The registration is valid through September 30th of the following year or September 30th of the year which they register in. All registrations must be renewed by October 1st of every year. The fee set forth below is per dwelling unit.

Registrations will be done through the Code Enforcement Office. All fees shall be made payable to the "City of Saco" and shall be processed at the submission of the registration.

In the event the owner uses a property management firm or has a property manager, the owner shall provide the property manager's or property management firm's contact information at the time of registration. If the property management changes during the 12 month registration period, the owner shall re-notify the City within 30 days of the date of the change.

The annual registration and inspection fee is established in the fee table.

Registration and Renewal Fee Discounts:

In recognition that there are certain actions that owners of rental units may take that reduce the risk to safety and decrease the financial burden upon the City, one of the following discounts to the registration fee and renewal fee are available. Discount shall be cumulative for buildings that have both a sprinkler systems and centrally monitored fire alarm systems.

- (1) \$15 discount for each rental unit within a fully sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each renewal;
- (2) \$15 discount for each rental unit within a building with a centrally-monitored fire alarm system as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each renewal.
- (3) Buildings that are publicly funded and have been subject to and passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection report, which shall be provided at the time of registration and upon each renewal; or has been subject to and passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each renewal shall pay a \$10 per unit registration.
- (4) Newly constructed multi-family dwelling buildings shall be exempt from inspection requirements for 5 years from the date of issuance of the Certificate of Occupancy and shall pay a yearly registration fee of \$10 per unit for the first 5 years.

Section 147-106. Inspections:

Life safety inspections for all multi-families shall be completed every 5 years. The owner will be notified at time of registration if the inspection will be completed that year, or a later year. Once a property has been inspected, it will not be re-inspected for 5 years thereafter unless there is just cause.

Upon 2 weeks of notice, the owner shall grant the Code Enforcement Officer full access to the property during the Life Safety Inspection. This shall include, but not limited to each dwelling unit, all common areas, all basements, all out buildings, and any other area of the property the Code Enforcement Officer deems necessary to inspect.

Section 147-107. Violations and Enforcement:

The Code Enforcement Office shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer, or his/her designee(s), determines that a violation of this Ordinance has occurred, he or she shall send a notice to the property owner indicating a violation exists and a time frame for remediation shall be established. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations are as follows:

Failure to register by October 1st shall result in a \$250 fee assessed for each calendar day after that date until such time the registration fee and all penalty fees are paid in full.

Failure to update property management/owner contact information shall result in a \$250 fee for each calendar day after the date of the change until such time the registration fee and all penalty fees are paid in full.

Providing false information shall result in a \$1,000 fee for each calendar day after such information was provided until such time the registration fee and all penalty fees are paid in full.

Renting a unit that has not been registered shall result in a \$250 fee for each calendar day after the unit was rented until such time the registration fee and all penalty fees are paid in full.

Section 147-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment.

Section 147-109. Severability: If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.