

**Chapter 13**  
**Article III. Rental Housing Regulations**

**Sec. 13-55. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Section. Where terms are not defined, through the methods authorized by this Section, such terms shall have ordinarily accepted meaning such as the context implies.

Occupant - A family as defined by the City of Clemson Zoning Ordinance or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense – any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into Pre-Trial Intervention, Alcohol Education Program or a determination of guilt by a court or a jury. For purposes of this ordinance, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance into a Pre-Trial Intervention Program, Alcohol Education Program, conviction, or a plea of guilty or no contest, collectively shall be deemed one offense.

Owner – any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Residential Rental Unit – means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this ordinance, the term rental unit is limited to single household dwellings, two household dwellings (duplex), townhouses, and boarding houses. Whenever the words rental unit are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”. Exceptions shall be the following:

- a) Single household dwelling or two household dwelling within a horizontal property regime or;
- b) Single household dwellings or two household dwellings within the same subdivision when on site management is handled by the property owner of the land and all dwelling units within the subdivision or;
- c) Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization or;
- d) Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the City Attorney and the Zoning and Codes Administrator.

Townhouses – Dwelling units constructed in a series or group of attached units with property lines separating such units.

Violation – breach of law.

### **Sec. 13-56. Rental Permit Required.**

- a. No owner, whether a person, firm or corporation, shall operate any residential rental unit as defined in Sec. 13- 55 unless that owner holds a current rental permit issued by the City of Clemson for the residential rental unit named therein.
- b. The person, firm or corporation responsible for managing a rental unit must contact the City of Clemson to schedule a yearly inspection. Failure to do so will be deemed to be a violation of this ordinance as provided in Section 13-72.
- c. Properties that fail to pass the inspection for a rental permit as outlined in this ordinance within 30 days shall correct all defects noted on the inspection report and schedule a re-inspection of property.
- d. Permits are not transferable from any owner to another.
- e. The permitting year shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup>.
- f. Renewals of permits after August 31 will be assessed a late penalty fee of ~~5% of the unpaid fee~~ \$50.00 per month.
- g. The required permit fee as defined by Section 13-72 may be paid beginning July 1<sup>st</sup> but no later than the 31<sup>st</sup> of October each year.
- h. If the permit fee is not paid by October 31<sup>st</sup> then on November 1<sup>st</sup> the City of Clemson shall issue a Uniform Ordinance Summons to the property owner for appearance in Municipal Court.
- i. The property owner will be susceptible to other code enforcement action depending upon the circumstance.

### **Sec. 13-57. Application.**

Applications to operate residential rental units and for renewal thereof shall be on a form provided by the City of Clemson. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation located within a seventy-five (75) mile radius of the City of Clemson responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing.

### **Sec. 13-58. Issuance or Refusal of Rental Permit.**

The City of Clemson shall issue a Rental Permit for rental housing to the applicant upon proof of the following:

- a) The property has passed the rental housing inspection; and
- b) All fees have been paid as required by Section 13-72 of the Rental Housing Ordinance.

### **Sec. 13-59. Property Owner, Person in Charge, and Occupant.**

- a) A permit will not be issued or renewed to a person, firm, or corporation who does not either reside in nor have an office within a seventy-five (75) mile radius of the City of Clemson, unless a Person in Charge is designated. The Person in Charge must reside in or have an office within a seventy-five (75) mile radius of the City and be able to act as the agent for the owner. The Zoning and Codes Administrator shall be notified

in writing if there is a change of owner or Person in Charge within fourteen (14) days of the change.

- b) The Property Owner, the Person in Charge, and Occupants shall maintain all residential rental units under their control, or in which they are located, in compliance with the City Codes.
- c) Property Owner, the Person in Charge, and Occupants shall be liable for occupancy violations within rental residences of their control or in which they are located.
- d) For every residential rental unit, the Owner or Person in Charge shall be responsible for the repair and maintenance of the common areas of the dwelling and responding to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch. The Owner shall advise the tenants individually of the names, addresses, and telephone numbers of such Owner and/or Person in Charge.

**Sec. 13.60. Reserved.**

**Sec. 13-61. Offenses and Assignment of Offenses.**

- a) For purposes of this ordinance, offenses shall include any federal, state, or local ordinance.
- b) Offenses shall apply towards revocation of the rental permit for residential rental units as follows:
  - (1) Single household dwellings, townhouses, and boarding houses. Offenses that occur anywhere on the property shall apply to the permitted dwelling unit.
  - (2) Duplex:
    - (a) Offenses that occur within an individual unit shall apply to that unit.
    - (b) Offenses occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
    - (c) Offenses committed by the property owner and/or Person in Charge shall be assigned to both units.
    - (d) When a duplex is issued one permit at the request of the owner, any offense within any dwelling unit will be apply to the duplex.

**Sec. 13-62. Requirement for Suspension Hearings**

City Council shall hold Suspension Hearings as follows:

- (1) Occupancy. Violation of occupancy regulations shall be grounds for declaring the rental unit a nuisance property and a suspension hearing date will be established by City Council within 60 days of the offense. The Zoning and Codes Administrator shall issue a notice by certified mail or any other means available to ensure delivery

to the Property Owner and Person in Charge noting the property is considered a nuisance property and pending a suspension hearing. A copy of this notice shall be maintained by the Zoning and Codes Administrator.

(2) Other Offenses

(a) Warning Notice. The City of Clemson Codes Enforcement Officer shall send written notification to the property owner and Person in Charge of any violations of city ordinances that occur at properties governed by the Rental Housing Ordinance. The Zoning and Codes Administrator shall provide an advisory notice by first class, certified mail or any other means available to ensure delivery to the Property Owner and Person in Charge of any rental property whenever three offenses of the City of Clemson Code of Ordinances or state or federal codes have occurred individually or in combination at the property within a twenty-four (24) month period. The twenty-four month period shall commence on the day of the first offense. This notice shall advise the Property Owner and Person in Charge that the property has been identified as a potential problem property and advises them of the consequences of continued offenses on this property. This notice shall be maintained by the Zoning and Codes Administrator and made available as necessary.

(b) Notice of Suspension Hearing. When another offense occurs within twelve (12) months after the issuance of the warning notice, this shall be grounds to declare the rental unit a nuisance property and for a suspension hearing will be established by City Council within 60 days of the last offense. Zoning and Codes Administrator shall issue a notice by certified mail or any other means available to ensure delivery to the Owner and the Person in Charge noting the property is considered a nuisance property and pending a suspension hearing. A copy of this notice shall be maintained by the Zoning and Codes Administrator

**Sec. 13-63. City Council Hearing.**

- (a) The Zoning and Codes Administrator shall provide written notice to the Owner or Person in Charge of the residential rental unit by personal service, certified mail or any other means available. The written notice shall include the fact that the property is scheduled for a suspension hearing before City Council for the purpose of determining the status of the permit. The notice shall state the time and place at which the hearing is to be held which shall be at a regular or special Council meeting. The notice shall also contain a brief statement of the reasons for suspension hearing and a copy of the applicable provisions of the Code of Ordinances.
- (b) The Zoning and Codes Administrator shall provide City Council with a written report outlining the circumstances for declaring the rental property as a nuisance property. All documents relating to the property shall be available prior to the hearing for review by all parties.

**Sec. 13-64. Notice of Revocation**

Upon City Council's decision, the Zoning and Codes Administrator shall notify the Property Owner and/or the Person in Charge of the revocation by written notice sent by certified mail or delivered in person. The notice shall advise the Property Owner and/or the Person in Charge of the property address, the effective dates of the revocation, the reason for the revocation as set forth in the Rental Housing Committee report, the effect

of the revocation on the property, and penalties that can be imposed for violation of the revocation and appeal rights and procedures.

The Zoning and Codes Administrator shall set forth the effective date of the revocation as and if modified by City Council in such manner so that revocation commences on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a one (1) year period. The Owner shall provide the Zoning and Codes Administrator with a copy of the current lease to determine the appropriate dates. If no lease is provided then the Zoning Administrator shall set the effective date as the first day following the annual permit renewal date. When there is no lease in force or when the lease or leases are for periods greater than one year, revocation shall commence upon the first day following the annual permit renewal date. Any additional offenses which occur between the revocation date and the commencement of revocation date shall automatically increase the revocation by three (3) months per offense.

**Sec. 13-65. Effect of Revocation.**

Upon the commencement of revocation, the property shall be secured and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental housing permit for such unit is revoked.

**Sec. 13-66. Notification Exemption.**

Residential rental properties are exempt from the notification requirements, as given in the Codes, when they have not obtained a valid permit for rental housing as required by this ordinance. Properties operating without a valid rental permit shall receive one (1) written warning and twenty (20) working days to comply. If an owner is convicted of a violation of Section 13-56 of the City of Clemson Code of Ordinances, the property shall not be eligible for a rental housing permit for a period of six (6) months after the conviction.

**Sec. 13-67. Defense.**

When tenants are guilty of offenses resulting in a revocation notice, the property owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the Property Owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted, revocation proceedings will be reinstated by the City.

**Sec. 13-68. Appeals/Revocation Hearing before City Council.**

- (a) Any person aggrieved by a decision, suspension, or a denial of a rental permit by the City of Clemson may appeal the decision to City Council by filing a written request stating the reasons for the grievance with the Zoning and Codes Administrator within ten (10) days after the payment of the assessment under protest or notice of denial is received.
- (b) An appeal or a hearing on revocation shall be held by City Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a

regular or special meeting of which the Property Owner and/or the Person in Charge has been given written notice. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. City Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

**Sec. 13-69. Change of Ownership.**

Any person, firm, or corporation who has purchased or has a legally binding contract to purchase a property whose rental housing permit has been revoked pursuant to this Article under another owner, may apply for a new permit.

**Sec. 13-70. Confidentiality.**

Nothing in this Section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any inquires regarding offenses resulting from enrollment into the Pre-Trial Intervention Program will be administered by the Chief of Police.

**Sec. 13-71. Offenses.**

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in Section 1-8. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for this Article.

**Sec. 13-72. Permit Fee.**

- a. The annual permit fee shall be \$100.
- b. Upon determination that a rental property owner has failed to obtain a rental housing permit, a permit fee shall be assessed at \$400 for each year the unpermitted occupancy has occurred.
- c. A re-inspection fee of \$50 for 3<sup>rd</sup> inspection and \$100 for 4<sup>th</sup> inspection shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
- d. No-show fee of \$50 will be assessed for failure to meet the inspector or call to reschedule 24-hr prior to appointment.
- e. \$5 administrative fee for lost or damaged occupancy label.
- f. All required fees shall be paid before a rental permit is issued.

**Sec. 13-73. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of

competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared that the intent of the Council is that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

#### **Sec. 13-74. Occupancy Label Required.**

- (a) Effective January 1, 2011, an Occupancy Label signed and issued by the Zoning and Codes Administrator shall be affixed to one of the following locations as determined by the owner of the rental property: the interior side of the main door of the rental residence, or on the exterior surface of the refrigerator door, or on the wall or door immediately adjacent to the fire extinguisher. The Occupancy Label shall indicate the maximum numbers of occupants allowed by Section 19-404, address of the residence, and date of issuance. Removal of the label shall be cause for denial of a rental permit for the property.
- (b) Initial issuance of the Occupancy Label will be through first class mail to the owner of the rental property before December 15, 2010.
- (c) Subsequent issuance of new Occupancy Labels will be done in conjunction with issuance of rental permits for new properties after successful completion of the rental inspection.

#### **Sec. 13-75. Standards for Residential Rental Unit.**

For purposes of this ordinance, the following standards apply to residential rental units and must be met prior to being issued a permit. The standards shall be reflected on the rental housing inspection form.

1. **9-1-1 Numbers** –Minimum 3 inches tall and readily visible and legible from the street.
2. **Trash Cans and Storage of Solid Waste** –One rollcart and recycling bin with a designated storage location for the rollcart behind the front building line.
3. **Environmental** – Property exteriors shall comply with the International Property Maintenance Code.
4. **Doors and Windows** – Individual dwelling units must have access directly to the outside or to a common corridor. All exterior windows must be free of functional defects, capable of opening and closing, and have working locks. All windows in a room used for sleeping will be measured per Section R310 of the 2012 International Residential Code. If a rental property is found to have one or more sleeping rooms with windows that do not meet code, property owners will be required to have all tenants of that property sign a disclaimer acknowledging the rental property has non-compliant windows. This disclaimer shall be shown to the inspector at the time of the annual inspection or otherwise submitted to the rental housing inspector prior to a rental permit being issued. It is the responsibility of the property owner to obtain and keep these records current and on file. Failure to maintain documentation that all current tenants have signed the disclaimer will result in the property owner receiving a warning for the first incident. Future incidents will result in a fine of \$100 and count as an offense per Section 13-61 of

this ordinance. Basement rooms used for sleeping must have one window with a clear net opening of five (5) square feet or for the basement floor to have a door with direct access to the outside. *Basement* is defined as a floor level of a structure completely or partially below ground.

5. **Stairs, Rails, Porches, Decks** – A graspable handrail is required for four or more stairs whether indoors or out. Guardrails are required on decks over 30” above grade, must be a minimum of 36” in height, and not have any openings between pickets or rails that exceeds 4”. Porches and decks shall not have apparent structural damage or broken or missing rails or steps. No exposed risers are allowed on stairs over 30” in height whether indoors or out.
6. **Swimming Pools/Spas** – Swimming pools and spas shall be enclosed and include a self-closing and self-latching gate of 48” minimum height.
7. **Electrical Service and Electrical Hazards** –Electrical service through the public service provider. All bathrooms, exterior outlets, non-dedicated kitchen outlets within 6 feet of kitchen sink shall be ground fault protected. Missing or cracked plates on switches or outlets shall be repaired.
8. **Ceilings** –Habitable spaces and hallways must have a clear ceiling height of not less than seven feet. Ceilings shall not have any apparent visual defects, evidence of mold or mildew, or holes with exposed wiring or insulation.
9. **Walls** – Walls shall not have any apparent visual defects evidence of mold or mildew, or holes with exposed wiring or insulation.
10. **Floors** – Floors shall not have any apparent visual defects, evidence of mold or mildew, or soft spots.
11. **Sink** –In kitchen with hot and cold running water. Hot water to be at least 110 degrees.
12. **Stove or Range** – Stoves and ranges shall be free of apparent hazards. Combustible material must be at least 30” above the heat source. An anti-tip device must be installed for free-standing units.
13. **Toilet** –Flushing and leak free in a room affording privacy.
14. **Wash Basin** –Operational and leak free equipped with hot and cold running water.
15. **Tub or Shower** –Operational and equipped with hot and cold running water in a room affording privacy. Hot water not to exceed 120 degrees.
16. **Ventilation in Bathroom** – Bathrooms must have a window or mechanical ventilation and not have any evidence of mold or mildew.
17. **Smoke Detectors** – Every bedroom and adjoining hallway as well as the common living area shall be equipped with an operational, approved listed smoke detector. In units containing more than one (1) story, detectors are required on each story.

18. **Fire Extinguisher-** Minimum (5) five lb-ABC fire extinguisher that is fully charged.
19. **Heating Equipment** –Operational-heating facilities capable of maintaining a room temperature of 70 degrees.
20. **Evidence of Infestation** – Premises shall appear free of rats, mice, roaches or other vermin.
21. **Interior Stairs and Common Halls** – Stairs and halls shall not have apparent damage or missing rails or steps. No exposed risers are allowed on stairs over 30” in height whether indoors or out.
22. **Parking Spaces** – There shall be at least one all-weather surfaced parking space per occupant. All parking shall meet the standards of the City of Clemson Zoning Ordinance.
23. **Occupancy Label** – An occupancy label signed and issued by the Zoning and Codes Administrator shall be affixed to the interior side of the main door of the rental residence, or on the exterior surface of the refrigerator door, or on the wall or door immediately adjacent to the fire extinguisher or in an otherwise conspicuous location. New rental properties will have occupancy verified during inspection and label will be issued and affixed after a permit has been issued.