

SPONSORED BY: COUNCIL MEMBER WIENEKE

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1685  
Series of 2009

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Series of 2009

A BILL FOR AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 20 OF THE NORTHGLENN MUNICIPAL CODE TO REQUIRE INSPECTIONS FOR NON-RESIDENT OWNERS OF ONE AND TWO FAMILY RESIDENTIAL RENTAL PROPERTIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Article 2 of Chapter 20 of the City of Northglenn Municipal Code is repealed and reenacted to read as follows:

**ARTICLE 2**  
**REGISTRATION OF NON-RESIDENT RESIDENTIAL PROPERTY OWNERS**

**Section 20-2-1. Registration of Owners and Agents.**

(a) Every non-resident owner of a dwelling unit within the City whether occupied or vacant shall file a registration statement on a form to be provided by the City Manager or his designee (hereinafter referred to as "Manager") for each unit for which he is receiving or is entitled to receive rent. FOR PURPOSES OF THIS ARTICLE 2 OF CHAPTER 20, a non-resident owner is any natural person who does not maintain his or her principal residence at the dwelling unit in question. The registration statement required by this section shall be updated to include current information within thirty (30) days following any change of ownership, business name, address or telephone number. Not less often than once every five (5) years each non-resident owner shall provide written confirmation on a form provided by the manager that the information contained in the registration statement on file with the City is current.

(b) Registration shall contain the following information:

(1) A description of the premises held for rental by street number or otherwise, in such a manner as to enable the Manager to find the same.

(2) The name and address of the owner of record, and, in addition, if the owner is a corporation, the name and address of the registered agent of said corporation.

(3) The name, business address, and telephone number of a natural person 18 years of age or older, who is customarily present in an office or resides within Adams County or the City and County of Denver (or otherwise within 25 miles of the boundary of the City of Northglenn) for the purpose of transacting business, and who shall be designated by the owner as his authorized agent for receiving notices of violations of the Housing Code, Building Code, Fire Code, Nuisance Ordinance or Zoning Ordinance, or any other Ordinance of the City for

receiving Court process on behalf of such owner in connection with the enforcement of ordinances relating to such unit.

~~(c) — Penalties.~~

~~———— (1) — Any person who fails to register as required by Section 20-2-1(a) shall be subject to a civil penalty of not more than Three Hundred Dollars (\$300.00) per day for each day said person remains unregistered up to a total of Fifteen Thousand Dollars (\$15,000.00). If a person is in compliance with 20-2-1(a) at the time of the hearing, as provided in 20-2-1(c)(2), and it is the first time that said person has filed to register under Section 20-2-1(a), the penalty shall not exceed Three Hundred Dollars (\$300.00).~~

~~———— (2) — Penalties shall be determined by the Manager after a hearing as to propriety and amount thereof. The Manager shall consider the history of violations, the appropriateness of such penalty to the size of the business of the owner, whether the owner was negligent, the effect of the owner's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the owner in attempting to achieve rapid compliance after notification of a violation.~~

~~———— (3) — If not paid, penalties may be collected by the Manager by any means allowed by law, including but not limited to an action initiated in the district court for collection of such penalty.~~

(C) ~~(d)~~ The Director MANAGER must be notified of any change in the designated authorized agent or owner no later than ten (10) days after the change.

**SECTION 20-2-2. Responsibility for Compliance with Code Provision.**

~~(a) — Responsibilities of Owners. Any person who is an owner of a property subject to any provision of the code or regulation of the City shall be responsible for compliance with all of the provisions of such code or regulation. An owner shall be held liable for all violations of any such code, in connection with any land, buildings, structure, or matter or thing owned or operated by him and for any expenses incurred by the City in the enforcement of such codes.~~

~~(b) — Responsibility of Corporate Officers and Directors. Whenever a corporation shall violate any of the provisions of any code or regulations with the City, such violation shall be deemed to be also that of the individual directors, officers or agents of such corporation who shall have authorized, ordered or done any act(s) constituting in whole or in part such violation or who shall knowingly have acquiesced in any failure to act constituting in whole or in part such violation of this Revised Municipal Code, and upon conviction thereof, any such director, officer or agent shall be punishable to the same extent as is provided in this Revised Municipal Code.~~

**SECTION 20-2-2. INSPECTION OF ONE AND TWO FAMILY RESIDENTIAL RENTAL PROPERTIES.**

ONE AND TWO FAMILY RESIDENTIAL RENTAL PROPERTIES TO BE RENTED OR LEASED BY A NON-RESIDENT OWNER MUST PASS AN INSPECTION FOR COMPLIANCE WITH THE CITY OF NORTHGLENN NUISANCE ORDINANCE (ARTICLE 11, CHAPTER 9), AND THE CITY OF NORTHGLENN INTERNATIONAL PROPERTY MAINTENANCE CODE (ARTICLE 16, CHAPTER 10) INITIALLY UPON REGISTERING WITH THE CITY PURSUANT TO SECTION 20-2-1, AND THEREAFTER EACH TIME THE DWELLING IS RENTED TO A NEW TENANT.

**SECTION 20-2-3. FEES.**

THE FEE FOR AN INSPECTION REQUIRED BY SECTION 20-2-2 OF THIS ARTICLE 2 OF CHAPTER 20 SHALL BE FIFTY DOLLARS (\$50.00) PER INITIAL INSPECTION, AND THE FEE FOR ANY FOLLOW-UP INSPECTION REQUIRED BY THE CITY SHALL BE THIRTY-FIVE DOLLARS (\$35.00).

**SECTION 20-2-4. Responsibility for Compliance with Code Provision.**

(a) Responsibilities of Owners. Any person who is an owner of a property subject to any provision of the code or regulation of the City shall be responsible for compliance with all of the provisions of such code or regulation. An owner shall be held liable for all violations of any such code, in connection with any land, buildings, structure, or matter or thing owned or operated by him and for any expenses incurred by the City in the enforcement of such codes.

(b) Responsibility of Corporate Officers and Directors. Whenever a corporation shall violate any of the provisions of any code or regulations with the City, such violation shall be deemed to be also that of the individual directors, officers or agents of such corporation who shall have authorized, ordered or done any act(s) constituting in whole or in part such violation or who shall knowingly have acquiesced in any failure to act constituting in whole or in part such violation of this Revised Municipal Code, and upon conviction thereof, any such director, officer or agent shall be punishable to the same extent as is provided in this Revised Municipal Code.

**SECTION 20-2-5. Violations - Penalties.**

(a) Any person who fails to register OR OBTAIN AN INSPECTION as required by THIS ARTICLE 2 OF CHAPTER 20 ~~Section 20-2-1(a)~~ shall be subject to a civil penalty of not more than Three Hundred Dollars (\$300.00) per day for each day said person remains unregistered OR FAILS TO OBTAIN A REQUIRED INSPECTION up to a total of Fifteen Thousand Dollars (\$15,000.00). If a person is in compliance with THE PROVISIONS OF THIS ARTICLE 2 OF CHAPTER 20 ~~20-2-1(a)~~ at the time of the hearing, as provided in 20-2-5(b), and it is the first time that said person has failed to register AND/OR OBTAIN AN INSPECTION under THIS ARTICLE 2 OF CHAPTER 20, ~~Section 20-2-1(a)~~, the penalty shall not exceed Three Hundred Dollars (\$300.00).

(b) Penalties shall be determined by the Manager after a hearing as to propriety and amount thereof. The Manager shall consider the history of violations, the appropriateness of such

penalty to the size of the business of the owner, whether the owner was negligent, the effect of the owner's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the owner in attempting to achieve rapid compliance after notification of a violation.

(c) If not paid, penalties may be collected by the Manager by any means allowed by law, including but not limited to an action initiated in the district court for collection of such penalty.

Section 2. THE CITY MANAGER IS HEREBY DIRECTED TO IMPLEMENT THE INSPECTION PROVISIONS OF THIS ORDINANCE ON A GRADUAL BASIS IN ACCORDANCE WITH CITY STAFFING LEVELS WITH AN EMPHASIS ON INSPECTING PROPERTIES THAT ARE SUBJECT TO THE PROVISIONS OF THIS ORDINANCE WHEN SUCH PROPERTIES ARE VACANT.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

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COREY Y. HOFFMANN  
City Attorney