

AN ORDINANCE AMENDING SECTION 405.080 OF THE MUNICIPAL CODE RELATING TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR RESIDENTIAL RENTAL PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CALVERTON PARK, MISSOURI, AS FOLLOWS:

Section 1. Section 405.080 of Chapter 405 of Title IV is hereby amended to read as follows:

TITLE IV LAND USE

CHAPTER 405 ZONING CODE

ARTICLE V ADMINISTRATION AND ENFORCEMENT

SECTION 405.080 CERTIFICATES OF OCCUPANCY

- A. It shall be unlawful for any person to hereafter occupy or for the owner, lessor or agent thereof to permit the occupancy of any property without a valid Certificate of Occupancy issued by the City.
- B. A record of all certificates of occupancy shall be kept on file in the proper office in the City Hall and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.
- C. Prior to a change in occupancy or prior to expiration of an annual Certificate of Occupancy for residential rental property, the owner shall file an application for a Certificate of Occupancy with the City Clerk of the City of Calverton Park on such forms as approved by the City. In the case of residential rental property, it is the obligation of the Owner/Landlord to apply for and secure a Certificate of Occupancy for the proper Lessor(s)/Tenant(s). The Owner/Landlord shall provide the names of all tenants authorized to occupy the property and shall provide a copy of the lease or other rental agreement to the City. The permit shall be held in both the names of the Owner/Landlord and the Lessee(s)/Tenant(s).
- D. It shall be unlawful for any person to knowingly make any false statement in his/her application for a Certificate of Occupancy, and it shall

also be unlawful for any person or persons to occupy any building or any additions thereto or part thereof until a Certificate of Occupancy has been issued for the occupancy of said building and if further shall be unlawful for any person or person to occupy any building or any additions thereto or part thereof except upon the terms and conditions set forth in the Certificate of Occupancy.

E. Any person, firm or corporation shall obtain a Certificate of Occupancy by filing an application with the City Clerk of the City of Calverton Park on such forms as approved by the City. Upon the filing of an application of a Certificate of Occupancy, the City's building inspector shall inspect such property to determine the property's compliance with code and the propriety of issuing a Certificate of Occupancy. If any violations are found during the initial inspection, no Certificate of Occupancy shall be issued.

The fees for such Certificate of Occupancy and inspections shall be paid to the City as follows.

- (1) *Unoccupied Structures.* A fee of eighty dollars (\$80.00) shall accompany each application for a Certificate of Occupancy. This fee will cover the administering of the application and permit and the initial and second inspections. In the event a third (3rd) inspection is required for the same occupancy permit application, then an additional fee of fifty dollars (\$50.00) shall be assessed, and in the event a fourth (4th) or subsequent inspection is required for the same application, then the fee for the fourth (4th) inspection shall be one hundred dollars (\$100.00) and the fee for each subsequent inspection after the fourth (4th) inspection shall be one hundred dollars (\$100.00). The fees for inspections beyond a second inspection shall be paid to the City Clerk prior to scheduling any such reinspection. No inspection of the subject property will occur until the fees covering the cost of such inspection have been paid to the City.
- (2) *Occupied Structures.* An additional \$30.00 shall be added to the amounts for the application for a Certificate of Occupancy and for inspections set forth in subparagraph (1) above. This additional amount is intended to cover the additional cost incurred due to longer inspections caused by items and furniture hindering or slowing a thorough inspection. If such additional amount is not paid upon the filing of the application, this amount shall be paid to the City prior to issuance of any Certificate of Occupancy.

F. No Certificate of Occupancy shall be issued until the inspector has verified that the structure and proposed occupancy complies with all provisions of the Building, Zoning and Housing Codes of the City of Calverton Park.

G. If, after inspecting the structure, the building inspector determines it to be in compliance with the provisions of this Code, the City Clerk shall issue a Certificate of Occupancy for the proper term described in this Section. Provided, however, no Certificate of Occupancy shall be issued for any property if there are unpaid City taxes outstanding as to such property until such time as such unpaid taxes are satisfied.

H. If the building inspector determines the property is in violation of the requirements of this Code, the building inspector shall issue an Occupancy Inspection Report which shall list all conditions which fail to satisfy the requirements of this Code.

I. A Certificate of Occupancy shall be issued for the following terms:

1. *Owner-occupied residential property.* The term of the Certificate of Occupancy for owner-occupied residential property shall be indefinite and shall expire upon a change in the ownership or possession of the property. In determining whether a "change in possession" has occurred, the code official shall consider whether there has been a change in the head of household. A "change in possession" may include the transfer of possession between family members except in the case of a transfer caused by divorce or marriage.

2. *Residential rental property.* The term of the Certificate of Occupancy for a residential rental unit shall be one year from its date of issuance.

J. The maximum occupancy limit for each structure, as calculated under the provisions of this Code, shall be a condition of each Certificate of Occupancy.

K. *Renewal of Certificate for residential rental property.* Each Owner/Landlord shall apply for renewal of each Certificate of Occupancy issued for residential rental property at least thirty (30) days prior to the expiration date of such certificate. The procedures and fees for renewal of such certificate shall be the same as the procedures and fees for issuance of an original Certificate of Occupancy and inspections related thereto.

If violations are found by the City's inspection, no renewal shall issue and the property shall be vacated upon expiration of the previous Certificate of Occupancy unless such violations are corrected by the expiration date.

L. *Invalidity of Certificate and Revocation.*

1. Any certificate issued shall become invalid if the occupancy is not commenced within six (6) months after issuance of the certificate or if the occupancy is terminated.

2. A Certificate of Occupancy may be revoked, following written notice mailed to the head of household listed on the Certificate of Occupancy and a hearing, in the case of: (i) any false statement or misrepresentation of facts in the application on which a certificate was based, (ii) violations of the conditions of the Certificate of Occupancy, including the maximum occupancy limit, or (iii) code violations which cause unsafe conditions.

M. *Misrepresentations Prohibited.*

1. It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a Certificate of Occupancy has been issued for any premises for which such a Certificate has not been issued by the City.

2. It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a Certificate of Occupancy is not required for any premises within the City.

3. It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a property may be occupied by a number of persons in excess of that permitted by the Code.

Section 2. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF CALVERTON PARK, MISSOURI, ON THIS 2nd DAY OF August 20 21.

James Paunovich
Presiding Officer

Attest:

Theresa K. Pfyl
Theresa Pfyl, City Clerk

APPROVED BY THE MAYOR ON THIS 2nd **DAY OF** August **2021**

James Paunovich
James Paunovich, Mayor

Attest:

Theresa K. Pfyl
Theresa Pfyl, City Clerk