

Readings October 28, 2010
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Bill No. 117
Ord. No. 10-13

AN ORDINANCE OF THE VILLAGE OF RIVERVIEW, MISSOURI, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, the Board of Trustees of the Village of Riverview, Missouri is eager to adopt minimum requirements and standards for the construction, use, and occupancy of buildings and structures, the installation of mechanical, electrical, and plumbing systems, fixtures, and equipment, the proper maintenance of buildings, structures, and properties, the safe use of blasting agents for excavations and related construction, to protect the health, safety, and welfare of the citizens of the Village; and

WHEREAS, the St. Louis County Council adopted the 2009 Edition of the International Property Maintenance Code on July 14, 2010 by Ordinance 24,440;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RIVERVIEW, MISSOURI, AS FOLLOWS:

Section One.

That a certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Riverview, in the State of Missouri for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of all buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Village of Riverview are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this Ordinance.

Section Two.

The following sections are hereby revised:

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|-----------------|--|
| Section 101.1. | Insert: Village of Riverview |
| Section 103.5 | Insert: See Section 405.1010 of the Village Code |
| Section 112.4 | Insert: \$0, \$1,000.00 or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. |
| Section 302.4 | Insert: Eight inches |
| Section 304.14 | Insert: Such a period as reasonably determined by the Code Official |
| Section 404.4.1 | Insert: Every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet (5m sq) of floor area for each occupant thereof. Each sleeping room must be provided with a door for privacy and closet space of at least six (6) square feet. |
| Section 602.3 | Insert: Such a period as reasonably determined by the Code Official |
| Section 602.4 | Insert: Such a period as reasonably determined by the Code Official |

Section Three.

The Property Maintenance Code is hereby amended by the addition of the following Sections:

**SECTION 113
CERTIFICATE OF COMPLIANCE AND OCCUPANCY PERMIT**

113.1 Scope; Requirement: Except as otherwise provided, it shall be unlawful for any person to occupy any property, or for any owner or agent to permit the occupancy thereof, for any purpose until all required Certificates of Compliance and/or Occupancy Permits have been issued by the Code Official. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of this the Municipal Code or any other applicable Code shall have been corrected and brought into compliance.

113.2 Property; Defined: For the purposes of Section PM-112 of this Code, the term "property" shall be defined as any premises, structure, building, or dwelling subject to the provisions of this Code, as those terms are defined in Section PM-201.0 of this Code.

113.3 Certificates and Permits; Contents: Any Certificate of Compliance, Notice of Non-Compliance, or Occupancy Permit issued by the Code Official pertaining to any dwelling shall state the maximum number of persons who may lawfully occupy the property as configured at the time of the inspection.

113.4 Pre-Transfer Activity; Application for Certificate Required:

- A. It shall be unlawful for the owner or lessee of any property subject to the provisions of this Code, or their agent, to advertise in any way, or to list with a real estate agent or other broker, such property for the purpose of selling, leasing, renting, or otherwise transferring its ownership or possession, without first applying for a property inspection by the Code Official.
- B. On application by an owner, lessee, or agent the Code official shall issue a Certificate of Compliance if, after inspecting the property, the Code Official determines it to be in compliance with the provisions of this Code.
- C. If the Code Official determines that the property is in violation of any applicable Code provisions, the Code Official shall issue a Notice of Non-Compliance, which shall list all conditions which fail to satisfy the requirements of this Code.
- D. A Certificate of Compliance and/or Notice of Non-Compliance shall be valid for 6 months, unless revoked by the Code Official for good cause. In the event that an Occupancy Permit is not issued within said 6 months, said Certificates shall be null and void, and a new property inspection must be applied for and a new Certificate of Compliance obtained before any Occupancy Permit may be issued.
- E. Fees for each inspection and re-inspection shall be paid at the time an application for a property inspection is requested. The fee for a property inspection shall be set by the Board of Trustees from time to time.
- F. This Section shall not apply to transfers of a structure or building wherein the transferee executes an affidavit directed to the Code Official attesting to the fact that the structure(s) and/or building(s) on the property so transferred will be demolished within 90 days.

113.5 Occupancy Permit Required:

- 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 until an Occupancy Permit has been issued by the Code Official.
- B. On application by an owner, lessor, tenant, transferee, or agent thereof, the Code Official shall issue an Occupancy Permit if, after inspecting the property, the Code Official determines it to be in compliance with the provisions of this Code.
- C. If the Code Official determines that the property is in violation of Code provisions, the Code Official shall issue a Notice of Non-Compliance, which shall list all conditions which fail to satisfy the requirements of this Code.
- D. No person not listed on the Occupancy Permit for a property shall occupy or be permitted to occupy the same. No use or activity not listed on the Occupancy Permit for a structure or building not used for dwelling purposes shall be permitted therein.
- E. Whenever the owner or occupant of any property shall permit or suffer any additional person to occupy the same, the Code Official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Code are satisfied. Whenever the owner or occupant of any property not used for dwelling purposes shall permit an additional or separate use or activity to be undertaken therein, the Code Official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Code are satisfied.
- F. A fee shall be charged for an occupancy permit and for updating occupancy permit information and shall be set by the Board of Trustees from time to time.

113.6 Application for Occupancy Permit: Any person hereafter occupying any property shall apply for an Occupancy Permit on an application form provided by the Code Official. Such application shall contain the name of the applicant, the names, dates of births, social security numbers, and relationships of all persons to occupy the property thereof and such other information as may be required by the Code Official. The application shall be signed and affirmed or sworn to by the applicant. If the application is not submitted by an owner of the property, the application must be subscribed by an owner or an authorized representative thereof acknowledging that the owner is aware the property will be occupied by the persons listed on the application and for the purpose stated thereon. In lieu of subscribing to the application, the required acknowledgement of the owner may be in the form of a notarized statement, lease agreement, or other statement of similar effect attached to the application. Any application to amend an Occupancy Permit in accord with the requirements of this Section which is not filed by the owner of the property must be similarly subscribed or acknowledged by the owner or authorized representative thereof with respect to the additional persons to occupy the property or the additional or separate use or activity of the property not used for dwelling purposes.

113.7 Conditional Occupancy Permit:

- A. A Conditional Occupancy Permit may be issued by the Code Official if, in his judgment:
 - i. Any deficiency or noncompliance with this Code would not seriously endanger the health or safety of the occupants or the community; and

- ii. Provided the occupant executes an affidavit that all required corrections shall be made within a time specified therein. If approved by the Code Official in all respects, the property may thereafter be occupied while such corrections are being made.
- B. Upon expiration of the time allowed in the Conditional Occupancy Permit, all required corrections shall be completed or the property shall be vacated. The Code Official may extend the time allowed in the permit for a period of not to exceed 6 months if, in his judgment:
 - i. Any deficiency or noncompliance with this Code would not seriously endanger the health or safety of the occupants or the community; and
 - ii. The occupant has made substantial progress toward bringing the property into compliance with this Code; and
 - iii. All required corrections shall be made within the time allowed by the extension.
- C. At such time as the property shall be in compliance with the requirements of this Code, a Code of Compliance shall be issued and the occupant will be required to obtain an Occupancy Permit.
- D. A fee shall be charged for a Conditional Occupancy Permit and shall be set by the Board of Trustees from time to time.

113.8 Correction Required:

- A. If there are violations of this Code, which must be abated or corrected before a Certificate of Compliance or Occupancy Permit can be issued, it shall be the responsibility of the seller, lessor, or agent thereof to abate such violations. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of this Code shall have been corrected and the fee for such permit has been paid.
- B. With the approval of the Code Official, a transferee of a property may assume responsibility for abating violations of this Code by executing an affidavit stating that such transferee assumes responsibility for abating such violations and establishing the date by which such abatement shall be accomplished, which date shall be subject to approval by the Code Official.

113.9 Misrepresentations Prohibited; Notice Required:

- A. It shall be unlawful for any person, firm, or corporation to advertise, offer, or represent in any form or manner that a Certificate of Compliance has been issued for any premises for which such a Certificate has not been issued by the Code Official.
- B. 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 most recent Certificate of Compliance issued for that property.
- C. It shall be unlawful for any person to knowingly make any false statement in an application for an Occupancy Permit or any amendment thereto.

113.10 Disclaimer of Liability: Neither the Village nor any of its agents, servants, or employees shall be liable to any person, firm, or corporation for any injury or damage

sustained by reason of any defect in any property subject to this Code. Building Inspection applications or Occupancy Permits, or the issuance of a Certificate of Compliance or Notice of Non-Compliance, or any inspection or action with respect thereto shall not be intended to impart or imply to any person that said property or this Code, or that the Village or any of its agents, servants, or employees represents or warrants that said property or any part thereof complies with this Code or it is otherwise in good condition or repair. The provisions of this Section may be reprinted on any application, certificate, or permit required by this Code.

SECTION 114 RESIDENTIAL RENTAL PERMIT

114.1 Annual Residential Rental Permit Required: It shall be unlawful for any person, firm, or corporation to rent either as owner, lessee, agent, or manager any residential unit within the Village to any person(s), as the principal occupant(s), who are not the property owner(s) of record without first obtaining an annual residential rental permit.

114.2 Application for Annual Residential Rental Permit:

- A. Application for an annual residential rental permit required by Section PM-113(A) shall be made no later than April 30 of each calendar year for all residential rental property owned on April 1 of that year. For residential rental property acquired after April 1, a permit shall be obtained prior to permitting any occupancy or any offering of the property for rent/lease.
- B. Application shall be made by the owner of record to the Building Commissioner. Such application shall include the name, physical address, telephone number, and social security, driver's license, or tax identification number of the owner of record for such residential rental property. The application shall also list, by street address, each and every parcel or unit of residential rental property owned by that individual(s), trust, partnership, or corporation, located in the Village of Riverview, Missouri. If the owner(s) of said residential rental property wishes to designate an agent to be responsible for said property and to accept notices and process, then the owner of record shall designate an agent on the application including the agent's name, physical address, social security or driver's license number, and telephone number along with the extent of the agent's authority to rent, manage, and make expenditures for said property.
- C. In the event of any change in circumstances subsequent to filing an application that would result in a change in the information required by the application, the owner shall promptly file an amendment of such application on forms as specified by the Building Commissioner.
- D. Residential rental permits shall be renewed annually by April 30.
- E. A new application shall be submitted upon a change of ownership of the rental unit.

114.3 Garbage and Rubbish Collection: Prior to the issuance or renewal of any residential rental permit, the owner or owner's agent shall show proof by way of a paid receipt that the owner has contracted with a licensed garbage and rubbish collector.

114.4 Annual Residential Rental Permit Fees:

- A. The annual residential rental permit fee for a single-family or duplex building shall be \$50.00 for the first residential unit plus \$10.00 for each additional residential unit.
- B. The annual residential rental permit fee for a multi-family dwelling unit with more than two units is \$100.00 for each building.

114.5 Occupancy Prohibited:

- A. Unless and until the annual residential rental permit application is filed by the owner, all municipal user fees due hereunder are paid in full, and all outstanding fines imposed by the Riverview Municipal Court for any housing or building code violations by such owner are paid in full, no residential rental permit shall be issued to such owner.
- B. Failure to obtain and maintain a valid annual residential rental permit for any residential unit shall constitute grounds for the revocation or cancellation of all current occupancy permits issued for any units of residential rental property of such owner.

114.6 Rules: The Building Commissioner may issue such rules and regulations as he deems necessary to implement this Article and the policies contained herein.

Section Three.

That Ordinance No. 94-25 of the Village of Riverview entitled AN ORDINANCE REPEALING CHAPTERS 505 AND 510 OF THE CODE OF ORDINANCES OF THE VILLAGE OF RIVERVIEW, MISSOURI, AND ADDING ONE NEW ARTICLE IN CHAPTER 500, AND ADOPTING A NEW PROPERTY MAINTENANCE CODE FOR THE VILLAGE OF RIVERVIEW and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section Four.

That if any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Village of Riverview hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section Five.

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section Six.

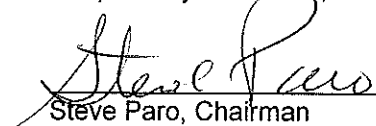
That the Village Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section Seven.

That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RIVERVIEW, MISSOURI,
THIS 28th DAY OF OCTOBER, 2010.

Respectfully Submitted,


Steve Paro, Chairman

ATTEST:


Megan Askainen, Village Clerk