

BILL NO: 3176

ORDINANCE NO: 3176

AN ORDINANCE OF THE CITY OF MALDEN, MISSOURI TO REPEAL SECTION 500.100 OF THE MALDEN CITY CODE RELATING TO OCCUPANCY PERMITS AND ENACT A NEW SECTION 500.100 RELATING TO OCCUPANCY PERMITS

WHEREAS the City has determined that a revision to the provisions of the Malden City Code relating to Occupancy Permit requirements is necessary to protect the health, safety and welfare of those residing or working within its city limits,

IT IS NOW ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALDEN, MISSOURI, TO-WIT:

Section 1. Section 500.100 of the Malden City Code (Occupancy Permits) is hereby repealed.

Section 2. There is hereby enacted a new Section 500.100 (Occupancy Permits) to read as follows:

SECTION 500.100: OCCUPANCY PERMIT

- A. *Required.* No person, firm, or corporation shall occupy or permit the occupancy of any building, residence, unit, part thereof, or addition thereto, for any and no building, residence, unit, part thereof, or addition thereto shall be eligible for municipal utility connection in the absence of an unexpired Certificate of Occupancy.
- B. *Application and Issuance.* Certificates of Occupancy may be issued by the Code Enforcement Officer upon application by the owner of property or agent thereof and shall designate the property's classification as follows:
1. Owner Occupied Residential
 2. Non-Owner Occupied Residential
 3. Commercial
- No Certificate of Occupancy shall issue absent a visual inspection by the Code Enforcement Officer or other designated officer to ensure the occupancy complies with all the provisions of the Malden City Code and verification that the building or structure is not subject to delinquent ad valorem taxes or assessments.
- C. *Failure of a Property to Comply With Code.* Failure of a property to comply with the Malden City Code at the time of inspection shall result in a denial of a Certificate of Occupancy. The Code Enforcement Officer shall notify the landlord or owner of the failure and the reasons therefore in writing. The landlord or owner may request a subsequent inspection upon remediation of the violation, however, no Certificate shall issue until a subsequent inspection finds no violations exist.
- D. *Expiration of Owner-Occupied Residential Certificates of Occupancy.* Certificates for Occupancy for Owner Occupied Residential Property shall expire:
1. Upon change in ownership; or
 2. Upon change in classification of property.
- E. *Expiration of Non-Owner Occupied Residential Certificate of Occupancy.* Certificates of Occupancy for Non-Owner Occupied Residential shall expire:

1. Upon change in ownership;
2. Upon occupancy by a new resident; or
3. Upon change in classification of property.

F. *Expiration of Commercial Certificate of Occupancy.* Certificates of Occupancy for Commercial Property shall expire:

1. Upon change in ownership;
2. Upon occupancy by new tenant;
3. Upon cessation of business by a current tenant; or
4. Upon change in classification of property.

G. *Renewal of Certificate.* An expired Certificate of Occupancy may be renewed upon application by the landlord or owner of property. Upon expiration of a Certificate of Occupancy without renewal, the Code Enforcement Officer or other designated official shall ensure that the property is unoccupied.

H. *Fees and Costs.* No fee shall be charged for an initial inspection; however, the applicant shall be responsible for the cost of any testing reasonably deemed necessary by the Code Enforcement Officer to ensure compliance with the provisions of this Code, including but not limited to mold, carbon monoxide, and/or radon. Subsequent inspections shall incur a \$50 fee per inspection in addition to testing costs.

I. *Reinspection.* The Code Enforcement Officer may reinspect any building or structure upon a reasonable belief the building or structure no longer complies with the provisions of this Code. No fee shall be charged for this inspection; however, the owner shall be responsible for the cost of any testing reasonably deemed necessary by the Code Enforcement Officer to ensure compliance with the provisions of this Code. The failure of a building, residence, unit, part thereof, or addition thereto to comply with this code upon reinspection shall result in revocation of the Certificate of Occupancy and subject the building, residence, unit, part thereof, or addition thereto to disconnection of municipal utility service.

J. *Violation.* Violations of this Chapter shall be treated as follows:

1. Any person who knowingly makes any false statement in his application for an Occupancy Permit as to the names, ages, relationship, or number of occupants who will occupy the premises shall be guilty of a misdemeanor.
2. Any person or corporation who:
 - a. Permits the occupancy of any building, residence, unit, part thereof, or addition thereto, for any purpose without a valid Certificate of Occupancy;
 - b. Allows a building, residence, unit, part thereof, or addition thereto to be occupied following expiration of a Certificate of Occupancy; or
 - c. Knowingly occupies an owner-occupied residential property without a valid Certificate of Occupancyshall be guilty of a separate misdemeanor for each day the violation continues.

Section 3. This Ordinance shall be effective and in full force as set out herein after the date of passage and all ordinances or parts of ordinances previously enacted, which are in conflict herewith, are hereby repealed.

Read the first time and passed and approved by the City Council of the City of Malden, Missouri on the 18 day of June, 2018.

LYNNETTE JENKINS	<u>✓</u>	<u> </u>
KEVIN MOORE	<u>✓</u>	<u> </u>
DIANNA ROGERS	<u>✓</u>	<u> </u>
NICKOLAS HOUSE	<u>✓</u>	<u> </u>
HAROLD JONES	<u>✓</u>	<u> </u>
KAREN HALEY	<u>✓</u>	<u> </u>
DEBRA WILKERSON	<u>✓</u>	<u> </u>
CASEN COLEMAN	<u>✓</u>	<u> </u>

Read the second time, passed approved and finally adopted by the City Council of the City of Malden, Missouri on the 18 day of June, 2018.

LYNNETTE JENKINS	<u>✓</u>	<u> </u>
KEVIN MOORE	<u>✓</u>	<u> </u>
DIANNA ROGERS	<u>✓</u>	<u> </u>
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DEBRA WILKERSON	<u>✓</u>	<u> </u>
CASEN COLEMAN	<u>✓</u>	<u> </u>



 Denton Kooyman – Mayor

Attest:


 Ivone Smith - City Clerk