

First reading: 2-5-2023

Second reading: 2-5-2023

Introduced by Mayor Poelker

BILL NO. 3437

ORDINANCE NO. 3344

**AN ORDINANCE AMENDING CHAPTER 400, ARTICLE XIII, SECTION 400.070 OF
THE ST. ANN MUNICIPAL CODE PERTAINING TO OCCUPANCY PERMITS**

WHEREAS, the Board of Aldermen believes it enhances the public health, safety and welfare to ensure rental residences are maintained in a safe manner in order to promote the welfare of those that occupy them; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF ST. ANN, MISSOURI, AS FOLLOWS:**

Section 1. Chapter 400, Article XIII, Section 400.070 of the St. Ann Municipal Code is amended, to read as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

TITLE IV:	LAND USE
CHAPTER 400:	ZONING CODE
ARTICLE XIII:	ADMINISTRATION
SECTION 400.700:	OCCUPANCY PERMITS

A. *Statement Of Purpose.* It is the intent of this Section to secure the public welfare by promoting the orderly maintenance of property within the City by applying the standards set forth in the City's Property Maintenance Code and other applicable ordinances of the City of St. Ann.

B. *Permit Required.*

1. An occupancy permit is required at any change of ownership, change in tenancy, **upon the expiration of a non-owner occupied rental residential property occupancy permit, consistent with Section 400.700.B.5,** or upon the completion of construction activity. Permits are not transferable.
2. A permit may be amended under the following instances:
 - a. Marriage of the head of household to another adult; proof of marriage license required.

- b. Birth of a child by a legal occupant of the household; proof of birth certificate required.
 - c. Court issued documentation granting guardianship of a child; proof of court order required.
 - d. Father and/or mother request for adult child to reside in dwelling.
 - e. Head of household request for parent(s) to reside in dwelling.
 - f. Any other living arraignment deemed by the Director of Building and Zoning to meet the definition of a family as provided in the Zoning Ordinance.
- 3. Thirty-day temporary occupancy permit amendment may be granted for emergency situations as approved by the Director of Building and Zoning.
- 4. It shall be unlawful for any person, owner, corporation or agent to occupy or permit the occupancy of any non-residential structure, multifamily residential or single-family residential structure in the City without first obtaining an inspection and occupancy permit. The term "occupancy" shall include the movement of furniture, equipment or other property into said structure.
 - a. If occupancy has occurred without an inspection of such premises, the fees for such inspection shall be increased by 50% over the standard application fee.
 - b. If occupancy has occurred without a permit being granted, the fees for such permit shall be increased by 50% over the standard application fee.
- 5. **Non-owner occupied Residential rental property. The term of the occupancy permit for a residential rental unit shall be one year from its date of issuance. Prior to the reissuance of an occupancy permit following its expiration, where there is no change in tenancy, the City may conduct an exterior inspection to verify the property's compliance with applicable codes, prior to the issuance of a renewed occupancy permit.**
- C. *Application; Making False Statements Prohibited.* It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit.
- D. *Same Inspections; Notices; Issuance of Permit.*
 - 1. The Building Commissioner shall receive all applications for occupancy permits, and shall, at his or her discretion, make or cause to be made an inspection of the structure. Application for an occupancy inspection shall be

made by the owner or agent on forms supplied by the City. All applicants for an occupancy inspection must be current on their St. Louis County property taxes for the property that they are requesting to be inspected. The occupancy permit shall be applied for by and issued to the buyer, tenant or designee. The applicant shall provide proof of identification and contact information for the buyer or the tenant, and shall provide proof of identification for all proposed occupants of the household, and photo identification for all proposed occupants of the household aged sixteen (16) years and older. Photo identification may be made by those instruments listed on the occupancy permit packet. Additional forms of identification may be approved by the Director of Building and Zoning.

2. All fees for non-residential structures, multifamily dwellings and single-family dwellings shall be paid at the time of application.
3. If the Building Commissioner finds that the structure does not meet the requirements of the Property Maintenance Code adopted by the City or any other applicable standards adopted by ordinance, he or she shall notify the owner or agent of such deficiencies in writing, informing him that the structure may not be occupied until the deficiencies are corrected.
4. When the Building Commissioner finds that the structure does comply with the Property Maintenance Code most recently adopted by the City or other applicable standards, he or she shall issue an occupancy permit upon complete submittal of request for permit.

E. Occupancy of Non-Residential Structures.

1. Persons requesting certificates of occupancy for non-residential structures shall be required to submit an application for a business license.
2. The Building Commissioner is authorized to permit occupancy of non-residential structures on a conditional basis, for a term not to exceed ninety (90) days, when serious hardships interfere with completing all repairs required to bring the property and/or structure into full compliance with the Property Maintenance Code or the applicable building codes prior to occupancy. Only the Director of Building and Zoning may extend the expiration date of a conditional occupancy permit if, in his or her opinion, the progress of repairs to date so warrant. However, no conditional permit may be extended for more than an additional ninety (90) days. No conditional permit shall be issued for a property and/or structures where a condition exists which could threaten the health or safety of the occupant(s) or the general public.

- F. Permit Invalid; When.* Any occupancy permit shall become invalid if reoccupancy is not commenced within ninety (90) days after it is issued. The Building

Commissioner is authorized to grant an extension of this period of up to an additional thirty (30) days when, in his or her opinion, an extension is warranted and provided also that an application for such extension is received within ninety (90) days of the issuance of the original permit.

G. *Fees.*

1. Inspection fees shall be as follows:
 - a. Single-family dwellings, which shall include up to two (2) inspections: fifty dollars (\$50.00).
 - b. Multifamily dwellings, which shall include up to two (2) inspections: fifty dollars (\$50.00).
 - c. Non-resident structures, which shall include up to two (2) inspections: five dollars (\$5.00) per one thousand (1,000) square feet; minimum of one hundred dollars (\$100.00).
 - d. Additional residential and multifamily inspections: forty dollars (\$40.00) each.
 - e. Additional non-residential inspections: sixty dollars (\$60.00) each.
2. Permit fees shall be as follows:
 - a. Residential: thirty dollars (\$30.00).
 - b. Non-residential: fifty dollars (\$50.00).
 - c. **Non-Owner Occupied Residential Rental, annual renewal with no change of occupancy (including cost for exterior inspection): thirty-five dollars (\$35.00)**

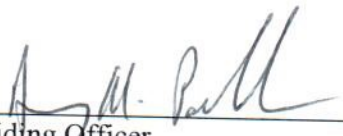
H. *Administrative Appeals.* Any person or corporation who feels that an error has been made in an inspection performed by the City may request a review by the Director of Building and Zoning. There shall be no additional cost to file said appeal. Upon determination by the Director of Building and Zoning all further appeals shall be heard by the Board of Adjustment pursuant to Article XV of the Zoning Ordinance.

I. *Permits Not A Warranty.* In issuing an occupancy permit, the City does not intend to, nor does it warrant, insure or guarantee to the holder thereof, to his or her assignee or to any other interested person, that there are no violations of any provision of this or any other ordinance. The City makes no warranty or representation, whatsoever, as to the condition of any building.

Section 2. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval. Any Non-Owner Occupied Residential Rental occupancy permit shall be deemed to expire as of the first anniversary date hereof, if there is no change in the occupancy of such property prior to said date.

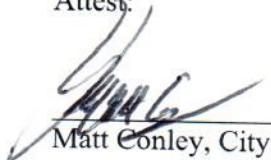
Section 3. **Severability.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Passed by the Board of Aldermen for the City of Saint Ann, Missouri, this 5th day of February, 2024.



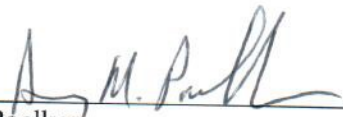
Presiding Officer

Attest:




Matt Conley, City Clerk

Signed this 6th day of February, 2024.



Amy Poelker
Mayor, City of St. Ann

Attest:



Matt Conley, City Clerk