

**BILL NO.** 984

**ORDINANCE NO.** 952

**AN ORDINANCE AMENDING SECTION 510.150 OF THE MUNICIPAL CODE RELATING TO THE ISSUANCE OF OCCUPANCY PERMITS FOR RESIDENTIAL RENTAL PROPERTY**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BEL-NOR, MISSOURI, AS FOLLOWS:**

**Section 1.** Subsection "F" of Section 510.150 of Chapter 510 of Title V of the Municipal Code is hereby amended to read as follows:

[All other sections and subsections not specifically set forth herein are not altered or changed in any way and remain in full force and effect]

**TITLE V BUILDING AND CONSTRUCTION**

**CHAPTER 510 HOUSING CODE**

**SECTION 510.150 OCCUPANCY PERMIT**

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F. *Occupancy Permit Required.*

1. 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 Building Commissioner.

2. In the case of residential rental property, it is the obligation of the Owner/Landlord to secure an occupancy permit 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).

3. An occupancy permit shall be issued for the following terms:

a) *Owner-occupied residential property.* The term of the occupancy permit 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.

b) *Residential rental property.* The term of the occupancy permit for a residential rental unit shall be one year from its date of issuance.

4. On application by an owner, lessor, tenant, transferee or agent thereof, the Building Commissioner shall issue an Occupancy Permit if, after inspecting the property, the Building Commissioner determines it to be in compliance with the provisions of this Chapter. No Occupancy Permit may 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.

5. If the Building Commissioner determines the property is in violation of the requirements of this Chapter, the Building Commissioner shall issue an Occupancy Inspection Report which shall list all conditions which fail to satisfy the requirements of this Chapter.

6. 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 non-residential structure or building shall be permitted therein.

7. Whenever the owner or occupant, of any property shall permit or suffer any additional person to occupy same, the Building Commissioner shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Chapter 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 Building Commissioner shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this Chapter are satisfied.

8. Renewal of permit for residential rental property. Each Owner/Landlord shall apply for renewal of each occupancy permit issued for residential rental property at least thirty (30) days prior to the expiration date of such permit. The procedures and fees for renewal of such permit shall be the same as the procedures and fees for issuance of an original occupancy permit 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 occupancy permit unless such violations are corrected by the expiration date.

9. A fee shall be charged for an Occupancy Permit and for updating Occupancy Permit information.

**Section 2.** Section 510.150 of Chapter 510 of Title V of the Municipal Code is hereby amended by the addition of a new Subsection "K" which shall read as follows:

**[All other sections and subsections not specifically set forth herein are not altered or changed in any way and remain in full force and effect]**

**TITLE V                                    BUILDING AND CONSTRUCTION**

**CHAPTER 510                            HOUSING CODE**

**SECTION 510.150                    OCCUPANCY PERMIT**

...  
K. Invalidity of Permit and Revocation.

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

2. An Occupancy Permit may be revoked, following written notice mailed to the head of household listed on the occupancy permit and a hearing, in the case of any false statement or misrepresentation of facts in the application on which a permit was based, because of violations of the occupancy permit conditions, including the maximum occupancy limit, or because of code violations which cause unsafe conditions.

**Section 3.** 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 Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** 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 BEL-NOR, MISSOURI, ON THIS 21 DAY OF November 2016.**

*CMBudhek*

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Presiding Officer

Attest:

*Diana Krosnicki*

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City Clerk

**APPROVED BY THE MAYOR ON THIS 21 DAY OF November 2016.**

*CMBudhek*

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Mayor

Attest:

*Diana Krosnicki*

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City Clerk