

Article IX.

Property Maintenance Code.

40.800. Property Maintenance Code. The Property Maintenance Code of the City of Olivette shall consist of the ICC International Property Maintenance Code, Fifth Edition, 2000, published by the International Code Council, Inc. which is incorporated by reference and made a part hereof as though fully set out herein.

40.810. Code Official Defined. The term "code official" as used in the Property Maintenance Code adopted under this Article shall mean the Building Commissioner of the City of Olivette and authorized designee.

40.820. Amendments to International Property Maintenance Code. The Property Maintenance Code adopted as provided for in Section 40.800 of this Article, is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting "City of Olivette" for the words "[name of jurisdiction]" and by inserting after the words "this code", the following paragraph:

The phrase "the ICC *Electrical Code*" wherever used in this code shall be deleted and the phrase the "Electrical Code of the City of Olivette" shall be inserted in each such instance; the phrase "the *International Plumbing Code*" wherever used in this code shall be deleted and the phrase "the Plumbing Code of the City of Olivette" shall be inserted in each such instance; the phrase "the *International Building Code*" wherever used in this code shall be deleted and the phrase "the Building Code of the City of Olivette" shall be inserted in each such instance; the phrase "the *International Fire Code*" wherever used in this code shall be deleted and the phrase "the Fire Code of the City of Olivette" shall be inserted in each such instance; and the phrase "the *International Zoning Code*" wherever used in this code shall be deleted and the phrase "the Zoning Code of the City of Olivette" shall be inserted in each such instance.;

(b) Section 101.4 is hereby repealed in its entirety.

(c) Section 102.7 is hereby repealed in its entirety.

(d) Section 103.1 is hereby repealed in its entirety and a new Section 103.1 is hereby substituted in lieu thereof as follows:

103.1 Department of Property Maintenance Inspection defined. The term "department of property maintenance inspection" as used in this code shall mean the Building Department of the City of Olivette.

(e) Sections 103.2 through 103.5, inclusive, are hereby repealed in their entirety;

(f) Section 103.6 is hereby repealed in its entirety;

(g) Section 104.4 through Section 104.8 inclusive are hereby repealed in their entirety;

(h) Section 106.4 is hereby repealed and a new Section 106.4 is hereby substituted in lieu thereof as

follows:

106.4 **Penalties:** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install, alter, or repair an existing building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

(i) Section 107.1 is hereby amended by deleting the last sentence thereof.

(j) Section 107.3 is hereby amended by inserting the words "of the owner(s) or the person(s) responsible" after the words "last known address".

(k) Section 108 is hereby repealed in its entirety;

(l) Sections 109.5 and 109.6 are hereby repealed in their entirety.

(m) Section 110 is hereby repealed in its entirety and a new Section 110 is hereby enacted in lieu thereof as follows:

Section 110 Occupancy Permits and Fees

110.1 **Occupancy permit required.** No person, firm, or corporation shall occupy, permit the occupation of any building or addition or part thereof, or of any dwelling unit therein for any purpose until a certificate of occupancy has been issued by the code official. The code official shall issue the certificate of occupancy if the premise complies with the requirements of this code. The certificate of occupancy shall specify the names of those persons who may occupy the building or addition or part thereof or the dwelling unit therein under the provisions of this code. No certificate of occupancy shall issue until all required inspections have been made by the appropriate code official or officials. These requirements apply to buildings owned by the original owner and to buildings in which ownership changes.

110.2 **Fee Schedule.** Fees for inspections and occupancy permits required by Section 110.1 shall be as follows.

(a) *Residential Inspection Fee* All initial residential inspection fees as set forth below shall include the initial inspection and one reinspection to assure compliance with this Chapter. Additional reinspections have a fee of twenty-eight dollars (\$28.00) per inspection.

Single-family residence, initial inspection fee \$95.00

Multi-family unit (per unit), initial inspection fee \$75.00

Other building or structure, initial inspection fee \$65.00

(b) *Nonresidential Inspection Fee.* All initial nonresidential inspection fees as set forth below shall include the initial inspection and one reinspection to assure compliance with this Chapter.

Additional reinspections have a fee of twenty-five dollars (\$25.00) per inspection.

Less than 3,500 sq. ft. gross floor area, initial inspection fee \$80.00

3,500 or more sq. ft. gross floor area, initial inspection fee \$160.00

Unreadiness, lockout, or similar circumstances resulting in cancellation of any inspection at the scheduled inspection time will result in a \$25.00 fee to be paid prior to rescheduling.

(c) Certificate of Occupancy \$10.00

110.3 Violations. It shall be unlawful for any person knowingly to make false statements in the application for certificate of occupancy. It shall be unlawful for any person to permit the occupancy of any building or addition or part thereof, or of any dwelling unit therein by persons other than those named in the certificate of occupancy issued therefore. It shall be unlawful for the owner of any dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease, or otherwise dispose of the dwelling unit until the provisions of the notice or compliance order have been satisfied or until the owner shall furnish a true copy of the notice of violation or compliance order to the purchaser, transferee, mortgagee, lessee, or grantee. Any such purchaser, transferee, mortgagee, lessee, or grantee having actual or constructive notice of a notice of violation or compliance order shall be bound by the notice of violation or compliance order as of the date of transfer without further service or notice. Violations of Section 110 shall be subject to the penalties provided in Section 106.4.

Subsection 110.4 Single-Family Residential Rental Property.

(a) Definitions. When used in this subsection, the following terms shall have the following meanings:

- (1) Certificate of Rental Occupancy--A certificate issued at least annually by the code official indicating that a specified single-family residential rental property complies with the requirements of this section.
- (2) Housing Code--A local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of a single-family residential property.
- (3) Owner/Operator--Any person or business entity in the business of renting or leasing one or more single-family residential rental properties.
- (4) Owner/Occupant--Any person who owns and occupies as his or her primary residence a single-family residential property and who may temporarily rent said residence to another for less than one year, but not more than once during any five-year period.

(b) Annual certificate required; scope; fees; violations.

- (1) No Owner/Operator shall permit the occupation of a single-family residential rental property

until an annual Certificate of Rental Occupancy has been issued by the code official. This section shall not apply to Owner/Occupants.

(2) This section shall not relieve Owner/Operators or tenants from obtaining certificates of occupancy as otherwise may be required by Section 110.1 hereof.

(3) Fees for an inspection required by this section shall be ninety-five dollars (\$95.00) and shall include one follow-up inspection to determine property compliance. Fees for any additional follow-up inspection granted by the code official per Section 110.4(f) shall be twenty-eight dollars (\$28.00) per inspection, The fee for the issuance of a Certificate of Rental Occupancy shall be ten dollars (\$10.00).

(4) It shall be unlawful for any Owner/Operator to knowingly make false statements in an application for a Certificate of Rental Occupancy or to violate any provision of this Section 110.4. Violations shall be subject to the penalties provided in Section 106.4 hereof.

(c) Application for certificate; Owner/Operator obligations.

(1) No Certificate of Rental Occupancy shall be issued unless the Owner/Operator has first made application for inspection, the completed application form is accompanied by the payment of an inspection fee, the applicant agrees to require all new tenants to obtain an occupancy permit before taking occupancy, and an inspection establishes that the single-family residential property complies with the Housing Code and the requirements of this section.

(2) Each Owner/Operator shall apply for an initial Certificate of Rental Occupancy not earlier than January 1, 2004 and not later than May 31, 2004. The code official shall issue the Certificate of Rental Occupancy if the property complies with the requirements of the Housing Code. Every Certificate of Rental Occupancy for a single-family residential rental property shall be issued for a period of one year; but for the initial certificate on properties selected by the code official, the term of the certificate may be extended for a period not to exceed three months. Said extensions shall be granted in the discretion of the code official and for the administrative convenience of avoiding an excessive number of annual inspections at any given time. The Certificate of Rental Occupancy shall specify the names of those persons who may occupy the single-family residence under the provisions of the Housing Code and this Section 110.4.

(3) After obtaining an initial Certificate of Rental Occupancy the Owner/Operator shall apply for an annual inspection no more than sixty (60) days and no less than thirty (30) days prior to the expiration of any current Certificate of Rental Occupancy.

(4) No Certificate of Rental Occupancy shall be issued unless the Owner/Operator agrees in the application to allow such inspections as may be deemed necessary by the code official. The Owner/Operator shall also provide the code official with a current list of tenants and occupants.

(5) The application shall include (i) the name and address of the Owner/Operator and (ii) if the Owner/Operator does not reside or have a place of business in the City of St. Louis or St. Louis County, a designation of an agent who shall either reside or have a place of business in the City

of St. Louis or St. Louis County and who shall be authorized to accept service of notice of violation of the provisions of this Section 110.4 and for service of any necessary process. Said agent may act on behalf of an Owner/Operator to meet the obligations of the Owner/Operator imposed by this Section.

(6) The Owner/Operator of a single-family residential rental property shall notify all occupants of inspections to be made, shall be present for inspections, and shall have means to gain entry to each dwelling unit and/or make arrangements with occupants to be present for inspections.

(7) Every Owner/Operator shall have a current and valid Certificate of Rental Occupancy before they sell, transfer, lease or otherwise dispose of any single-family residential rental property and shall have advised the new Owner/Operator that annual inspections are required and that a Certificate of Rental Occupancy is required before occupancy occurs. The name and address of the new Owner/Operator succeeding to the ownership or control of such single-family residential rental property shall be given to the code official by written notice.

(d) Inspections and compliance.

(1) If conditions or practices exist that violate the Housing Code, the Owner/Operator shall be served with notice of same by first-class United States Mail at their last known address according to the records of the City of Olivette. Such notice shall state:

1. A description of the property registered;
2. A description of the code violations found on the property;
3. A reasonable time allowed for correction of any violation cited.

(2) At the end of the time allowed for correction of any violation cited, the code official shall reinspect the property to determine whether the property complies with the Housing Code. If the property so complies, the code official shall issue the Certificate of Rental Occupancy.

(3) If any cited violations have not been corrected in the time allowed, the Certificate of Rental Occupancy shall be denied and existing code violations shall be prosecuted. An Owner/Operator shall be required to reapply for a Certificate of Rental Occupancy after the correcting any cited violation.

(e) Revocation of rental occupancy certificates.

A Certificate of Rental Occupancy may be revoked by the code official for non-compliance with the Housing Code. In the event of such non-compliance the Owner/Operator shall be served with notice of same by first-class United States mail at their last known address according to the records of the City of Olivette. Such notice shall state:

1. A description of the property registered;

2. A description of the code violations found on the property;
3. A reasonable time allowed for correction of any violation cited.

If any cited violations have not been corrected within the time allowed, the Certificate of Rental Occupancy shall be revoked, existing code violations shall be prosecuted, and the property shall be vacated until such time as the violations are corrected.

(f) Code official discretion.

Notwithstanding anything herein to the contrary, the code official, in his or her discretion, may grant reasonable extensions of time consistent with this Section for the correction of any code violations provided herein.

The City Manager is authorized and directed to take such action as may be reasonable and necessary to inform Owner/Operators, as defined in Section 40.820(m) subsection 110.4 hereof, of the requirements of this section.

(n) Section 111 is hereby repealed in its entirety and a new Section 111 is hereby substituted in lieu thereof as follows:

Section 111 Means of Appeal

111.1 Appeals to board of appeals. Any person shall have the right to appeal a decision of the code official to the Board of Building Appeals as provided under Section 121.0 of the Building Code of the City of Olivette. Procedures and requirements of appeals brought under this section shall be as set forth in Section 121.0 of the Building Code of the City of Olivette, as amended.

(o) Section 302 is hereby amended by adding thereto a new Section 302.10 as follows:

302.10 Yards: All unpaved areas, which are not covered by grass, or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes, or vegetation located on private property, which overhangs a street, shall be properly trimmed to avoid obstruction of the view of traffic. All dead or damage plant materials located on private property shall be promptly removed.

(p) Sections 302.4 and 302.8 are hereby repealed in their entirety;

(q) Section 303.14 is hereby amended by substituting "June 1 to August 31" for the words "[DATE] to [DATE]";

(r) Section 602.3 is hereby amended by substituting "September 1 to May 31" for the words "[DATE] to [DATE]";

(s) Section 602.4 is hereby amended by substituting "September 1 to May 31" for the words "[DATE] to [DATE]";

(t) Section 703 is hereby amended by adding thereto a new Section 703.3 as follows:

703.3 Attached garages: Private garages located beneath a dwelling shall have walls, partitions, floors, and ceilings constructed of not less than one (1) hour fire resistance rating separating the garage space from the dwelling. Private garages attached to a dwelling shall be completely separated from the dwelling including the attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage and taped at the joints. Door opening protectives on all doors leading from any attached garage to a dwelling shall be minimum one and three-eighths inch (1 3/8") solid core doors or equivalent (Ords. 1755, 1946, 2084, 2145, 2189).