

Copy of
Cape Girardeau, Missouri's
Cover Sheet for
Rental Inspection Ordinance

Staff: Alexander S. McElroy, Director of
Agenda: Development Services
 7/18/2016

AGENDA REPORT
 Cape Girardeau City Council

16-177

SUBJECT

An Ordinance amending Chapter 15, Article XI Rooms to Lease, Let, Hire, or Rent to include provisions which allow City inspectors to begin prescheduled compliance inspections of rental dwelling units and issue occupancy permits to landlords for business purposes.

EXECUTIVE SUMMARY

The proposed ordinance amendments will allow inspectors to generate compliance inspections and issue occupancy permits to allow landlords to rent dwelling units.

BACKGROUND/DISCUSSION

On Tuesday, May 24 City staff presented to the Cape Area Landlord Association (CALA) a residential rental program proposal amendment which would have charged for inspections and randomized the rental address stock generating a list for compliance inspections. In discussion with CALA leadership, an alternative program proposal was agreed upon. The proposed ordinance amendments reflect these changes and will allow inspectors to generate prescheduled compliance inspections based on a list of registered landlords and issue occupancy permits to landlords in order to rent dwelling units. The City's current inspection program conducts compliance inspections based on complaints.

FINANCIAL IMPACT

Empowering inspections staff to conduct prescheduled compliance inspections will increase the number of inspections conducted annually from roughly 700 to an estimated 1,350.

STAFF RECOMMENDATION

Staff recommends the City Council amend Chapter 15, Article XI Rooms to Lease, Let, Hire, or Rent to include provisions which allow City inspectors to begin prescheduled compliance inspections of rental dwelling units and issue occupancy permits to landlords for business purposes.

PUBLIC OUTREACH

City Staff worked with the Cape Area Landlord Association on the development of this ordinance amendment.

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> Chap_15_Residential_Rental_Changes_-2016_(2).doc	Ordinance
<input type="checkbox"/> ARTICLE_XI_ROOMS_TO_LEASE_LET_HIRE_OR_RENT_REVISED_6-16-16.pdf	ARTICLE_XI.ROOMS TO LEASE,LET, HIRE OR RENT

Copy of
Cape Girardeau, Missouri's
Revisions to
Rental Inspection Ordinance

ARTICLE XI. - ROOMS TO LEASE, LET, HIRE OR RENT⁽¹⁰⁾

Footnotes:

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Editor's note—Ord. No. 4629, art. 1, adopted Sept. 22, 2014, repealed the former Art. XI, §§ 15-336—15-352, and enacted a new article as set out herein. The former Art. XI pertained to similar subject matter and derived from Ord. No. 4353, art. 1, adopted Oct. 1, 2012.

Sec. 15-336. - General; existing dwellings.

The intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings and premises. Existing dwellings and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-337. - Definitions.

Words or phrases in this article shall be interpreted so as to give them the same meaning as they have in common usage. However, for the purpose of this article, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved. Accepted by the code official.

Agent. A person acting on behalf of an owner as the property manager, not to include a real estate agent or realtor whose involvement is limited solely to the sale of the property.

Building. A roofed and walled structure built for use as a dwelling.

City. The City of Cape Girardeau, Missouri.

City manager. The city manager or his or her designee.

Code official. Officer or other designated authority charged with the administration and enforcement of this ordinance, or his or her deputy or designee.

Compliance inspection. Inspection conducted by the code official to verify a rental dwelling or dwelling unit has met the requirements of this article.

Duplex. A building containing two (2) dwelling units.

Dwelling. A building, or portion thereof, designed or used predominantly for residential occupancy, by a paying occupant, of a continued nature, including one-family dwellings, two-family dwellings, multiple-family dwellings, and manufactured homes but not including hotels or motels.

Dwelling unit. A single residential dwelling, or portion thereof, that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one (1) family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Emergency escape and rescue opening. An operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency.

Existing structure. A structure existing prior to the effective date of this ordinance.

Family.

- (1) One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit, plus up to two (2) domestic servants; or
- (2) Three (3) or fewer unrelated persons, including any domestic servants, living as a single housekeeping unit; or
- (3) Two (2) unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, plus up to two (2) domestic servants, living as a single housekeeping unit.

The term "family" shall not be construed to mean a fraternity, sorority, club or institutional group.

Flush water closet. A toilet bowl flushed with water with a water-sealed trap.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Habitable building. A dwelling or dwelling unit that meets the general requirements as stated in section 15-346 of this article for use as a home or place of abode by one (1) or more persons.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Heated water. Water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit measured at faucet outlet.

Inspector(s). Code inspectors, fire marshal, fire inspector, police officers or any other person as authorized by the city manager.

Kitchen. A space containing a sink and counter space sized for food preparation, with adequate space for cooking and refrigeration equipment and storage of cooking utensils.

Landlord license. Annual license issued by the city granting conditional permission to the owner to rent one (1) or more dwellings or dwelling units within the city.

Licensee. Operator issued an annual landlord license by the city.

Multiple-family dwelling. A dwelling containing three (3) or more dwelling units.

Occupancy permit. Document issued by City stating rental dwelling or dwelling unit has met the requirements of this article and is fit for human occupancy.

Occupant. Any person who lives in a dwelling unit.

Operator. The owner or owner's authorized agent who has charge, care, control, or management of building, or part thereof, in which dwelling unit or rooming units are let.

Owner. The persons, corporation or other legal entity listed as owner on the records of the county recorder of deeds.

Permissible occupancy. The maximum number of persons that can legally occupy dwelling or dwelling unit.

Person. An individual, firm, partnership, association, limited liability corporation, limited liability company, corporation or joint venture or organization of any kind.

Plumbing. Any or all components of a system designed to convey liquids or gases.

Premises. A parcel, portion of a parcel, or group of parcels under common ownership.

Public hall. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one (1) family.

Refuse. All putrescible and nonputrescible waste solids including garbage and rubbish.

Rent or lease. Compensation paid by a tenant or lessee to the property owner, landlord, or operator for use or occupancy of a property, dwelling, and/or dwelling unit.

Rental or rented dwelling or dwelling unit. A dwelling or dwelling unit let or intended to be let for rent or lease.

Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent harborage. Any place where rodents can live, nest or seek shelter.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Substandard dwelling. Any dwelling which does not conform to the general requirements established by this ordinance.

Supplied. Paid for, furnished by, provided by or under the control of the owner, or operator of a dwelling.

Unit. A family occupancy or a bedroom of a facility, a boarding house, or a dwelling. Meaning of certain words - whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Violation. A failure to meet any requirement set forth in any section or subsection of this chapter as determined by the code official or his deputy or designee.

(Ord. No. 4788, art. 1, 11-16-15)

Editor's note— Ord. No. 4788, art. 1, adopted Nov. 16, 2015, repealed the former § 15-337, and enacted a new section as set out herein. The former § 15-337 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014; and Ord. No. 4658, art. 1, adopted Jan. 20, 2015.

Sec. 15-338. - Fee and license, Landlord license, occupancy permit, and fees required.

It shall be unlawful for any person to conduct or operate or cause to be rented within the City any dwelling or dwelling unit either as an owner or operator ~~within the city~~, unless the owner has obtained a landlord license and occupancy permit for each rental dwelling or dwelling unit and paid all applicable fees as provided in this article. Even though an owner may secure the services of an individual or company to manage the owner's rental property, a license will only be issued to the owner of the rental dwelling. A license will not be issued to the individual or company managing the rental dwelling for the owner unless the owner has provided written authorization for an operator to act on the owner's behalf.

This ordinance shall not apply to hospitals, nursing homes or other rental units used for human habitation which offer or provide medical or nursing services or hotels, motels and dormitories if such units are subject to other city, state or federal licensing or regulations concerning the safety of the users, patients or tenants.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-339. - Applicability to existing dwelling units.

Within six (6) months after the effective date of this ordinance, the owner of each rental dwelling unit existing on the effective date shall apply to the city manager for a license on a form to be supplied by the city and containing such information as necessary to administer and enforce the provisions of, and to insure compliance with, the provisions of this article. The application form shall state the name and contact information for the owner and operator if applicable.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-340. - Issuance of license and occupancy permit.

Upon completion of the application process, if the code official finds the requirements of this article have been met for the issuance of a landlord license and occupancy permit, a landlord license and occupancy permit shall be issued. If the code official finds that the requirements of this article have not been met, a written denial specifying the defects shall be transmitted to the applicant.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-341. - Renewal of license.

The landlord license shall be renewable annually on the anniversary date of issuance. Licensees shall have a thirty-day (30 day) grace period following the anniversary date to renew the license without a late fee. Licenses will expire on day thirty-one (31) following the anniversary date. A late fee shall apply on day thirty-one (31) and every calendar day thereafter until the license is renewed. To allow for special circumstances, the city manager may reduce or waive late fees on a case by case basis.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-342. - Expiration of license.

A licensee whose license has expired longer than sixty (60) days and continues to rent a dwelling or dwelling unit within the city shall be referred to the city attorney for prosecution.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-343. - Availability of license.

Licenses issued under this article shall be produced on the request of an occupant or prospective occupant, and shall be available at reasonable times for public inspection.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-344. - Fees.

The annual fee and/or late fees for landlord licensing shall be payable at the time of application or renewal. ~~in addition to any~~ inspection fees shall be payable as invoiced, ~~imposed~~. The amount of the annual license fee, and inspection fees, and late fees charged shall be established by the city fee schedule, as amended.

Upon the applicant's written request, any amount remaining from the license fee which exceeds the cost of processing the application and of the inspections will be refunded to the applicant.

(Ord. No. 4788, art. 2, 11-16-15)

Editor's note— Ord. No. 4788, art. 2, adopted Nov. 16, 2015, repealed the former § 15-344, and enacted a new section as set out herein. The former § 15-344 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014.

Sec. 15-345. - Application; condition in lease.

Every building and its premises, or an accessory structure thereof, used in whole or in part as a rented dwelling or dwelling unit for a single family or person, and every building used in whole or in part as a rented dwelling or dwelling unit of two (2) or more persons or families each living in a separate unit shall conform to the requirements of this article, irrespective of when such building may have been constructed, altered or repaired. A provision that the landlord is required to be licensed by the terms of this article shall be contained as a condition, either expressed or implied, in all applicable residential leases.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-346. - General requirements.

No owner or operator shall let to another person any dwelling or dwelling unit unless it and the premises are safe, clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including the following requirements:

- (1) No dwelling or dwelling unit may be rented and/or occupied unless the rental unit's water, electric, and gas (if applicable) utilities are connected and maintained in working order. Utility services may be disconnected temporarily to allow for maintenance, repairs, and upgrades. If any utility service is locked-off for more than ten (10) days, the dwelling or dwelling unit must pass a compliance inspection by the code official before the utility service will be reconnected.
- (2) Maintenance of shared or public areas: Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof provided, however, an occupant or occupants may assume that responsibility.
- (3) Maintenance of occupied areas: Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition those parts of the dwelling, dwelling unit and/or premises thereof he occupies and controls.
- (4) Accumulation of rubbish and/or garbage: All exterior property, premises, and the interior of every dwelling or dwelling unit, shall be free from any accumulation of rubbish and/or garbage. The owner of every occupied dwelling or dwelling unit shall supply approved covered containers for rubbish and/or garbage, and the owner of the dwelling or dwelling unit shall be responsible for the removal of rubbish and/or garbage. Every occupant of a dwelling or dwelling unit shall dispose of rubbish and/or garbage in a clean and sanitary manner by placing such rubbish and/or garbage in an approved disposal facility or approved containers.
- (5) Pest extermination: Dwelling and dwelling units shall be kept free from insect and rodent infestation. Dwellings or dwelling units in which insects or rodents are found shall be promptly exterminated by an approved process that will not be injurious to human health. After the pests are eliminated, proper precautions shall be taken to prevent re-infestation.

- (6) Sanitary fixtures and appliances: Every occupant of a dwelling or dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (7) Minimum heating and maintenance: Every dwelling or dwelling unit shall have a source of heat capable of maintaining a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three (3) feet above the floor in all habitable rooms, bathrooms, and water closet compartments from September through May. All heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Cooking appliances, unvented fuel burning space heaters and/or portable electric space heaters shall not be used as a means to meet the requirements of this section.
- (8) Minimum exterior lighting: The owner of every dwelling or dwelling unit shall be responsible for providing and maintaining effective illumination at or near the entrances of the dwellings.
- (9) Plumbing systems and fixtures: All plumbing systems and fixtures shall be properly installed and maintained in good working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing systems and fixtures are designed.
- (10) Minimum standards for food preparation, cooking equipment, and associated facilities: Every dwelling or dwelling unit shall have a space in which food may be prepared and cooked, which shall have adequate ventilation and which shall be equipped with the following:
 - a. A kitchen sink in good working condition, connected to an approved water supply including hot and cold water and also connected to an approved sewer system.
 - b. Cabinets or shelves, for the storage of eating, drinking and cooking equipment and utensils.
 - c. Adequate space and hook-ups shall be provided for a stove, or similar device for cooking food and a refrigerator, or similar device.
- (11) Toilet facilities: Within every dwelling or dwelling unit there shall be a room which affords privacy to anyone within said room and which is supplied with a flush toilet in good working condition, connected to an approved water and sewer system.
- (12) Lavatory sink: Within every dwelling or dwelling unit there shall be a lavatory sink in good working condition; said sink may be in the same room with the flush toilet or if located in another room, the sink shall be placed in close proximity to the door leading directly into the room containing the flush toilet; said lavatory sink shall be connected to an approved water system with both hot and cold water and also connected to an approved sewer system.
- (13) Bathtub or shower: Within every dwelling or dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said tub or shower can be in the same room with the flush toilet or in another room, shall be properly connected to an approved water system with hot and cold water and connected to an approved sewer system.
- (14) Egress: Any remodel, addition, or renovation to a dwelling or dwelling unit which alters the number of bedrooms originally contained in the structure shall meet current city egress codes. All bedrooms shall have emergency escape and rescue openings directly to the outside or directly to a fire-resistant-rated corridor having access to two (2) remote exits in opposite directions. All emergency escape and rescue openings shall have a minimum net clear area of five and seven-tenths (5.7) square feet, a minimum net clear opening height of twenty-four (24) inches, and a minimum net clear opening width of twenty (20) inches. Window sills with a height greater than forty-four (44) inches above the finished floor and/or a window well with a vertical depth greater than forty-four (44) inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position.

- (15) Handrails; guards: Structurally sound handrails shall be provided on any steps containing four (4) or more risers. Handrails shall be installed at a height of thirty-four (34) to thirty-eight (38) inches above the walking surface. Stairs, decks, balconies and porches exceeding thirty (30) inches above or below ground or floor level shall have guards installed a minimum of thirty-six (36) inches in height for single family dwellings, duplexes, and townhouses or a minimum of forty-two (42) inches in height for apartment houses. Balusters on existing guards shall be spaced no greater than six (6) inches apart. Balusters on new guards shall be spaced no greater than four (4) inches apart. Subject to the code official's approval, alternate systems providing at least the same degree of protection shall be acceptable.
- (16) Access: Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.
- (17) Door locks: No owner shall occupy or let to be occupied any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.
- (18) Habitable room ventilation: Every habitable room shall have a means of affording adequate ventilation. Where ventilation is provided by windows alone, windows must be operable and capable of remaining in the open position.
- (19) Other room ventilation: Every bathroom and water closet compartment and every laundry and utility room ventilated by mechanical means shall be exhausted to the outdoors and shall not be recirculated to any interior space. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions.
- (20) Electric service, outlets and fixtures: Every dwelling or dwelling unit and all public and common areas shall comply with Section 604 and Section 605 of the currently adopted International Property Maintenance Code. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.
- (21) Exterior: foundations, exterior walls and roofs: The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration including holes, breaks, loose or rotting boards or timbers and any other thing that might admit rain or dampness to the interior portion of the walls. The roof shall be tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness to interior walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatment. If the exterior surface of such a wood structure is unpainted or unprotected or is determined by the code official to be paintblistered, it shall be painted or other acceptable covering applied.
- (22) Windows and doors: Every window and exterior door shall be substantially tight in the closed position and shall be kept in good condition. Operable windows located less than six (6) feet above ground level or walking surface shall be equipped with a window sash locking device. Exterior doors shall be provided with locks designed to provide security for the occupants and property within.
- (23) Floors, interior walls, ceilings: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of large holes, large cracks and loose plaster and shall be maintained. Paints or materials remaining toxic after being applied and after drying or hardening shall not be used. Every toilet room and bathroom floor surface shall be acceptable of being easily maintained in a clean and sanitary manner.
- (24) Safe buildings: Every foundation, roof, floor, exterior wall, interior wall, ceiling inside and outside stairways, every porch, balcony and every attachment thereto, shall be safe to use and capable of supporting loads that may be anticipated to be placed on them in normal use.

- (25) Limitation on occupancy per dwelling unit: Not more than one (1) family, except for temporary guests, shall occupy a dwelling or dwelling unit, unless otherwise authorized by the zoning ordinance.
- (26) Occupancy: In every dwelling or dwelling unit,
- a. Every bedroom occupied for sleeping purposes shall have a minimum floor area of seventy (70) square feet. Every bedroom occupied by more than one (1) person shall contain not less than fifty (50) square feet of floor area per occupant. Rooms or areas of unfinished basements shall not be used as bedrooms.
 - b. Every living room shall contain not less than 120 square feet of floor area for one (1) to five (5) occupants and one hundred fifty (150) square feet of floor area for six or more occupants.
 - c. Every dining room shall contain not less than eighty (80) square feet of floor area for three (3) to five (5) occupants and one hundred (100) square feet of floor area for six (6) or more occupants.
- (27) Smoke alarm: Owners of all buildings which fall under this ordinance shall provide a minimum of one (1) approved single-station smoke alarm installed in the following areas:
- a. Outside of the sleeping area(s) in the immediate vicinity of bedrooms. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling;
 - b. In each room used for sleeping purposes. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling; and
 - c. In each story within a dwelling or dwelling unit including basements and cellars but not including crawl spaces and uninhabitable attics. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling.
- When activated, the smoke alarm shall provide an alarm suitable to warn the occupants within the individual room and dwelling or dwelling unit.
- Prior to renting a dwelling or dwelling unit, it is the owner's responsibility to ensure that all required smoke alarms are installed and functioning properly. After occupying the dwelling or dwelling unit, it is the occupant's responsibility to ensure that every smoke alarm in his/her dwelling or dwelling unit is maintained in proper functioning condition at all times.
- (28) Carbon monoxide alarm: Where work requiring a permit occurs within a new or existing dwelling or dwelling unit that has an attached garage and/or a fuel burning appliance, an approved carbon monoxide alarm shall be installed outside of each sleeping area in the immediate vicinity of the bedroom(s). Each carbon monoxide alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling.

(Ord. No. 4788, art. 3, 11-16-15)

Editor's note— Ord. No. 4788, art. 3, adopted Nov. 16, 2015, repealed the former § 15-346, and enacted a new section as set out herein. The former § 15-346 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014.

Sec. 15-347. - Enforcement and inspection authority.

- (1) The city manager shall enforce the provisions of this ordinance and is hereby authorized to make inspections to verify that a dwelling or dwelling unit is in compliance with this ordinance article.
- (2) Inspection access: Initial request for inspection access shall be made to the owner, operator, or occupant of a dwelling or a dwelling unit. If the owner, operator, or occupant fails or refuses to allow

inspection access to the dwelling or dwelling unit for any inspection pursuant to this ordinance, the code official will notify the owner, operator, or occupant of the dwelling or dwelling unit in writing of the inspection access request. The owner or operator shall provide access within twenty-four (24) hours of receiving written inspection access request. If a written request is still denied by the owner, operator, or occupant, then the code official may seek a search warrant or other appropriate court order authorizing such inspections and/or may suspend such license and/or revoke occupancy permit until entry and inspection is allowed.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-348. - Notice of violation.

Whenever the code official determines that any dwelling or dwelling unit or the premises surrounding any of these fails to meet the requirements set forth in this ordinance article, he shall issue a notice setting forth the alleged failure and advising the owner, or operator, or and occupant that such failure must be corrected. This notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violations of this article;
- (3) Describe the dwelling, dwelling unit or other premises where the violations are alleged to exist or to have been committed;
- (4) Provide a reasonable time not to exceed nine three (3) (9) months for the correction of any alleged violations; and
- (5) Be served on the owner or operator, and/or occupant of the dwelling or dwelling unit by personal delivery, regular mail, certified mail, and/or private courier addressed to the last known place of residence of the owner or operator, and or occupant. If upon a diligent effort to locate the owner, operator, or occupant none can be found, notice may be posted on or near the dwelling, dwelling unit, or premises described in the notice.

(Ord. No. 4788, art. 3, 11-16-15)

Editor's note— Ord. No. 4788, art. 3, adopted Nov. 16, 2015, repealed the former § 15-348, and enacted a new section as set out herein. The former § 15-348 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014.

Sec. 15-349. – Suspension / revocation.

A landlord license for a dwelling or dwelling unit may be suspended upon a finding by the code official that the licensee has not paid the annual landlord license fee, any assessed late or inspection fees, and/or currently has occupancy permits revoked for three (3) or more dwellings or dwelling units. An owner or owner's authorized agent may not rent any dwelling or dwelling units in the City with a suspended landlord license. ~~violated any section of this article and the violation(s) was (were) not corrected by the deadline set by the code official.~~ Upon suspension of the landlord license, an any occupied dwelling or dwelling unit must be made compliant with this article or vacated within sixty (60) days of the date the license was suspended. An extension beyond the sixty (60) days may be granted by the code official if an eviction lawsuit has been filed with the circuit court. A vacant dwelling or dwelling unit may not be occupied with a suspended landlord license. The code official shall give written notice to the license holder of the violation(s) of this article and the suspension of the landlord license by personal delivery, regular mail, certified mail, and/or private courier. The code official shall also give written notice of the suspension of the landlord license to the occupants involved by first class mail, postage prepaid.

The suspended license shall be reinstated upon a determination by the code official that the license holder has complied with all the requirements of this article.

An occupancy permit for a dwelling or dwelling unit may be revoked if it is determined by the code official the dwelling or dwelling unit is unfit and/or unsafe for human occupancy and/or any identified violations of this article were not corrected by the deadline set by the code official. Upon revocation of the occupancy permit, an occupied dwelling or dwelling unit must be made compliant with this article or vacated within sixty (60) days of the date the permit was revoked. An extension beyond the sixty (60) days may be granted by the code official if an eviction lawsuit has been filed with the circuit court. The code official may require the dwelling or dwelling unit be vacated immediately if it is determined the dwelling or dwelling unit is unfit and/or unsafe for human occupancy. A vacant dwelling or dwelling unit may not be occupied with a revoked occupancy permit. The code official shall give written notice to the license holder of the violation(s) of this article and the revocation of the permit by personal delivery, regular mail, certified mail, and/or private courier. The code official shall also give written notice of the revocation of the permit to the occupants involved by first class mail, postage prepaid or personal delivery. The revoked occupancy permit shall be reinstated upon a determination by the code official that the dwelling or dwelling unit has complied with all the requirements of this article.

(Ord. No. 4788, art. 4, 11-16-15)

Editor's note— Ord. No. 4788, art. 4, adopted Nov. 16, 2015, repealed the former § 15-349, and enacted a new section as set out herein. The former § 15-349 pertained to suspension and revocation and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014.

Sec. 15-350. - Secure unfit and vacated dwellings.

The owner or operator of a dwelling or dwelling unit which has been declared unfit for human habitation or which is otherwise vacant for a period of thirty (30) days or more, shall make it safe and secure so that it is not hazardous to the health, safety or welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit with open and unguarded doors or windows shall be deemed to be a hazard to the health, safety or welfare of the public and a public nuisance within the meaning of this section. Any dwelling or dwelling unit determined to be a dangerous building under article VII of chapter 7 of the city code shall be deemed to be in violation of this section.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-351. - Process of complaint.

Complaints may be made to the code official in writing, by email, telephone call or other acceptable means.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-352. - Appeal to city manager.

Any person aggrieved by any decision of the code official may appeal the decision within ten (10) days to the city manager.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-353. - Penalty.

Revised 6/16/2016

Except as otherwise provided in this section, any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by imprisonment in the city jail for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. No. 4629, art. 1, 9-22-14)

Secs. 15-354—15-360. - Reserved.

Copy of
Cape Girardeau, Missouri's
Current Rental Inspection
Ordinance

ARTICLE XI. - ROOMS TO LEASE, LET, HIRE OR RENT^[10]*Footnotes:*

-- (10) --

Editor's note— Ord. No. 4629, art. 1, adopted Sept. 22, 2014, repealed the former Art. XI, §§ 15-336—15-352, and enacted a new article as set out herein. The former Art. XI pertained to similar subject matter and derived from Ord. No. 4363, art. 1, adopted Oct. 1, 2012.

Sec. 15-336. - General; existing dwellings.

The intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings and premises. Existing dwellings and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-337. - Definitions.

Words or phrases in this article shall be interpreted so as to give them the same meaning as they have in common usage. However, for the purpose of this article, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved. Accepted by the code official.

Agent. A person acting on behalf of an owner as the property manager, not to include a real estate agent or realtor whose involvement is limited solely to the sale of the property.

Building. A roofed and walled structure built for use as a dwelling.

City. The City of Cape Girardeau, Missouri.

City manager. The city manager or his or her designee.

Code official. Officer or other designated authority charged with the administration and enforcement of this ordinance, or his or her deputy or designee.

Compliance inspection. Inspection conducted by the code official to verify a rental dwelling or dwelling unit has met the requirements of this article.

Duplex. A building containing two (2) dwelling units.

Dwelling. A building, or portion thereof, designed or used predominantly for residential occupancy, by a paying occupant, of a continued nature, including one-family dwellings, two-family dwellings, multiple-family dwellings, and manufactured homes but not including hotels or motels.

Dwelling unit. A single residential dwelling, or portion thereof, that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Emergency escape and rescue opening. An operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency.

Existing structure. A structure existing prior to the effective date of this ordinance.

Family.

- (1) One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit, plus up to two (2) domestic servants; or
- (2) Three (3) or fewer unrelated persons, including any domestic servants, living as a single housekeeping unit; or
- (3) Two (2) unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, plus up to two (2) domestic servants, living as a single housekeeping unit.

The term "family" shall not be construed to mean a fraternity, sorority, club or institutional group.

Flush water closet. A toilet bowl flushed with water with a water-sealed trap.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Habitable building. A dwelling or dwelling unit that meets the general requirements as stated in section 15-346 of this article for use as a home or place of abode by one (1) or more persons.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Heated water. Water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit measured at faucet outlet.

Inspector(s). Code inspectors, fire marshal, fire inspector, police officers or any other person as authorized by the city manager.

Kitchen. A space containing a sink and counter space sized for food preparation, with adequate space for cooking and refrigeration equipment and storage of cooking utensils.

Landlord license. Annual license issued by the city granting conditional permission to the owner to rent one (1) or more dwellings or dwelling units within the city.

Licensee. Operator issued an annual landlord license by the city.

Multiple-family dwelling. A dwelling containing three (3) or more dwelling units.

Occupancy permit. Document issued by City stating rental dwelling or dwelling unit has met the requirements of this article and is fit for human occupancy.

Occupant. Any person who lives in a dwelling unit.

Operator. The owner or owner's authorized agent who has charge, care, control, or management of building, or part thereof, in which dwelling unit or rooming units are let.

Owner. The persons, corporation or other legal entity listed as owner on the records of the county recorder of deeds.

Permissible occupancy. The maximum number of persons that can legally occupy dwelling or dwelling unit.

Person. An individual, firm, partnership, association, limited liability corporation, limited liability company, corporation or joint venture or organization of any kind.

Plumbing. Any or all components of a system designed to convey liquids or gases.

Premises. A parcel, portion of a parcel, or group of parcels under common ownership.

Public hall. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one (1) family.

Refuse. All putrescible and nonputrescible waste solids including garbage and rubbish.

Rent or lease. Compensation paid by a tenant or lessee to the property owner, landlord, or operator for use or occupancy of a property, dwelling, and/or dwelling unit.

Rental or rented dwelling or dwelling unit. A dwelling or dwelling unit let or intended to be let for rent or lease.

Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent harborage. Any place where rodents can live, nest or seek shelter.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Substandard dwelling. Any dwelling which does not conform to the general requirements established by this ordinance.

Supplied. Paid for, furnished by, provided by or under the control of the owner, or operator of a dwelling.

Unit. A family occupancy or a bedroom of a facility, a boarding house, or a dwelling. Meaning of certain words - whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Violation. A failure to meet any requirement set forth in any section or subsection of this chapter as determined by the code official or his deputy or designee.

(Ord. No. 4876, art. 1, 8-1-16)

Editor's note— Ord. No. 4876, art. 1, adopted Aug. 1, 2016, repealed the former § 15-337, and enacted a new section as set out herein. The former § 15-337 pertained to similar subject matter and derived from Ord. No. 4788, art. 1, Nov. 16, 2015.

Sec. 15-338. - Landlord license, occupancy permit, and fees required.

It shall be unlawful for any person to conduct or operate or cause to be rented within the city any dwelling or dwelling unit either as an owner or operator, unless the owner has obtained a landlord license and occupancy permit for each rental dwelling or dwelling unit and paid all applicable fees as provided in this article. Even though an owner may secure the services of an individual or company to manage the owner's rental property, a license will only be issued to the owner of the rental dwelling. A license will not be issued to the individual or company managing the rental dwelling for the owner unless the owner has provided written authorization for an operator to act on the owner's behalf.

This ordinance shall not apply to hospitals, nursing homes or other rental units used for human habitation which offer or provide medical or nursing services or hotels, motels and dormitories if such units are subject to other city, state or federal licensing or regulations concerning the safety of the users, patients or tenants.

(Ord. No. 4876, art. 2, 8-1-16)

Editor's note— Ord. No. 4876, art. 2, adopted Aug. 1, 2016, repealed the former § 15-338, and enacted a new section as set out herein. The former § 15-338 pertained to fee and license required and derived from Ord. No. 4629, art. 1, Sep. 22, 2014.

Sec. 15-339. - Applicability to existing dwelling units.

Within six (6) months after the effective date of this ordinance, the owner of each rental dwelling unit existing on the effective date shall apply to the city manager for a license on a form to be supplied by the city and containing such information as necessary to administer and enforce the provisions of, and to insure compliance with, the provisions of this article. The application form shall state the name and contact information for the owner and operator, if applicable.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-340. - Issuance of license and occupancy permit.

Upon completion of the application process, if the code official finds the requirements of this article have been met for the issuance of a landlord license and occupancy permit, a landlord license and occupancy permit shall be issued. If the code official finds that the requirements of this article have not been met, a written denial specifying the defects shall be transmitted to the applicant.

(Ord. No. 4876, art. 3, 8-1-16)

Editor's note— Ord. No. 4876, art. 3, adopted Aug. 1, 2016, repealed the former § 15-340, and enacted a new section as set out herein. The former § 15-340 pertained to issuance of license and derived from Ord. No. 4629, art. 1, Sep. 22, 2014.

Sec. 15-341. - Renewal of license.

The landlord license shall be renewable annually on the anniversary date of issuance. Licensees shall have a thirty-day (30 day) grace period following the anniversary date to renew the license without a late fee. Licenses will expire on day thirty-one (31) following the anniversary date. A late fee shall apply on day thirty-one (31) and every calendar day thereafter until the license is renewed. To allow for special circumstances, the city manager may reduce or waive late fees on a case by case basis.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-342. - Expiration of license.

A licensee whose license has expired longer than sixty (60) days and continues to rent a dwelling or dwelling unit within the city shall be referred to the city attorney for prosecution.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-343. - Availability of license.

Licenses issued under this article shall be produced on the request of an occupant or prospective occupant, and shall be available at reasonable times for public inspection.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-344. - Fees.

The annual fee and/or late fees for landlord licensing shall be payable at the time of application or renewal. Inspection fees shall be payable as invoiced. The amount of the annual license fee, inspection fees, and late fees charged shall be established by the city fee schedule, as amended.

Upon the applicant's written request, any amount remaining from the license fee which exceeds the cost of processing the application and of the inspections will be refunded to the applicant.

(Ord. No. 4876, art. 4, 8-1-16)

Editor's note— Ord. No. 4876, art. 4, adopted Aug. 1, 2016, repealed the former § 15-344, and enacted a new section as set out herein. The former § 15-344 pertained to similar subject matter and derived from Ord. No. 4788, art. 2, Nov. 16, 2015.

Sec. 15-345. - Application; condition in lease.

Every building and its premises, or an accessory structure thereof, used in whole or in part as a rented dwelling or dwelling unit for a single family or person, and every building used in whole or in part as a rented dwelling or dwelling unit of two (2) or more persons or families each living in a separate unit shall conform to the requirements of this article, irrespective of when such building may have been constructed, altered or repaired. A provision that the landlord is required to be licensed by the terms of this article shall be contained as a condition, either expressed or implied, in all applicable residential leases.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-346. - General requirements.

No owner or operator shall let to another person any dwelling or dwelling unit unless it and the premises are safe, clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including the following requirements:

- (1) No dwelling or dwelling unit may be rented and/or occupied unless the rental unit's water, electric, and gas (if applicable) utilities are connected and maintained in working order. Utility services may be disconnected temporarily to allow for maintenance, repairs, and upgrades. If any utility service is locked-off for more than ten (10) days, the dwelling or dwelling unit must pass a compliance inspection by the code official before the utility service will be reconnected.

- (2) Maintenance of shared or public areas: Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof provided, however, an occupant or occupants may assume that responsibility.
- (3) Maintenance of occupied areas: Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition those parts of the dwelling, dwelling unit and/or premises thereof he occupies and controls.
- (4) Accumulation of rubbish and/or garbage: All exterior property, premises, and the interior of every dwelling or dwelling unit, shall be free from any accumulation of rubbish and/or garbage. The owner of every occupied dwelling or dwelling unit shall supply approved covered containers for rubbish and/or garbage, and the owner of the dwelling or dwelling unit shall be responsible for the removal of rubbish and/or garbage. Every occupant of a dwelling or dwelling unit shall dispose of rubbish and/or garbage in a clean and sanitary manner by placing such rubbish and/or garbage in an approved disposal facility or approved containers.
- (5) Pest extermination: Dwelling and dwelling units shall be kept free from insect and rodent infestation. Dwellings or dwelling units in which insects or rodents are found shall be promptly exterminated by an approved process that will not be injurious to human health. After the pests are eliminated, proper precautions shall be taken to prevent re-infestation.
- (6) Sanitary fixtures and appliances: Every occupant of a dwelling or dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (7) Minimum heating and maintenance: Every dwelling or dwelling unit shall have a source of heat capable of maintaining a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three (3) feet above the floor in all habitable rooms, bathrooms, and water closet compartments from September through May. All heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Cooking appliances, unvented fuel burning space heaters and/or portable electric space heaters shall not be used as a means to meet the requirements of this section.
- (8) Minimum exterior lighting: The owner of every dwelling or dwelling unit shall be responsible for providing and maintaining effective illumination at or near the entrances of the dwellings.
- (9) Plumbing systems and fixtures: All plumbing systems and fixtures shall be properly installed and maintained in good working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing systems and fixtures are designed.
- (10) Minimum standards for food preparation, cooking equipment, and associated facilities: Every dwelling or dwelling unit shall have a space in which food may be prepared and cooked, which shall have adequate ventilation and which shall be equipped with the following:
 - a. A kitchen sink in good working condition, connected to an approved water supply including hot and cold water and also connected to an approved sewer system.

- b. Cabinets or shelves, for the storage of eating, drinking and cooking equipment and utensils.
 - c. Adequate space and hook-ups shall be provided for a stove, or similar device for cooking food and a refrigerator, or similar device.
- (11) Toilet facilities: Within every dwelling or dwelling unit there shall be a room which affords privacy to anyone within said room and which is supplied with a flush toilet in good working condition, connected to an approved water and sewer system.
- (12) Lavatory sink: Within every dwelling or dwelling unit there shall be a lavatory sink in good working condition; said sink may be in the same room with the flush toilet or if located in another room, the sink shall be placed in close proximity to the door leading directly into the room containing the flush toilet; said lavatory sink shall be connected to an approved water system with both hot and cold water and also connected to an approved sewer system.
- (13) Bathtub or shower: Within every dwelling or dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said tub or shower can be in the same room with the flush toilet or in another room, shall be properly connected to an approved water system with hot and cold water and connected to an approved sewer system.
- (14) Egress: Any remodel, addition, or renovation to a dwelling or dwelling unit which alters the number of bedrooms originally contained in the structure shall meet current city egress codes. All bedrooms shall have emergency escape and rescue openings directly to the outside or directly to a fire-resistant-rated corridor having access to two (2) remote exits in opposite directions. All emergency escape and rescue openings shall have a minimum net clear area of five and seven-tenths (5.7) square feet, a minimum net clear opening height of twenty-four (24) inches, and a minimum net clear opening width of twenty (20) inches. Window sills with a height greater than forty-four (44) inches above the finished floor and/or a window well with a vertical depth greater than forty-four (44) inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position.
- (15) Handrails; guards: Structurally sound handrails shall be provided on any steps containing four (4) or more risers. Handrails shall be installed at a height of thirty-four (34) to thirty-eight (38) inches above the walking surface. Stairs, decks, balconies and porches exceeding thirty (30) inches above or below ground or floor level shall have guards installed a minimum of thirty-six (36) inches in height for single family dwellings, duplexes, and townhouses or a minimum of forty-two (42) inches in height for apartment houses. Balusters on existing guards shall be spaced no greater than six (6) inches apart. Balusters on new guards shall be spaced no greater than four (4) inches apart. Subject to the code official's approval, alternate systems providing at least the same degree of protection shall be acceptable.
- (16) Access: Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.
- (17)

Door locks: No owner shall occupy or let to be occupied any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.

- (18) Habitable room ventilation: Every habitable room shall have a means of affording adequate ventilation. Where ventilation is provided by windows alone, windows must be operable and capable of remaining in the open position.
- (19) Other room ventilation: Every bathroom and water closet compartment and every laundry and utility room ventilated by mechanical means shall be exhausted to the outdoors and shall not be recirculated to any interior space. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions.
- (20) Electric service, outlets and fixtures: Every dwelling or dwelling unit and all public and common areas shall comply with Section 604 and Section 605 of the currently adopted International Property Maintenance Code. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.
- (21) Exterior: foundations, exterior walls and roofs: The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration including holes, breaks, loose or rotting boards or timbers and any other thing that might admit rain or dampness to the interior portion of the walls. The roof shall be tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness to interior walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatment. If the exterior surface of such a wood structure is unpainted or unprotected or is determined by the code official to be paintblistered, it shall be painted or other acceptable covering applied.
- (22) Windows and doors: Every window and exterior door shall be substantially tight in the closed position and shall be kept in good condition. Operable windows located less than six (6) feet above ground level or walking surface shall be equipped with a window sash locking device. Exterior doors shall be provided with locks designed to provide security for the occupants and property within.
- (23) Floors, interior walls, ceilings: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of large holes, large cracks and loose plaster and shall be maintained. Paints or materials remaining toxic after being applied and after drying or hardening shall not be used. Every toilet room and bathroom floor surface shall be acceptable of being easily maintained in a clean and sanitary manner.
- (24) Safe buildings: Every foundation, roof, floor, exterior wall, interior wall, ceiling inside and outside stairways, every porch, balcony and every attachment thereto, shall be safe to use and capable of supporting loads that may be anticipated to be placed on them in normal use.
- (25)

Limitation on occupancy per dwelling unit: Not more than one (1) family, except for temporary guests, shall occupy a dwelling or dwelling unit, unless otherwise authorized by the zoning ordinance.

- (26) Occupancy: In every dwelling or dwelling unit,
- a. Every bedroom occupied for sleeping purposes shall have a minimum floor area of seventy (70) square feet. Every bedroom occupied by more than one (1) person shall contain not less than fifty (50) square feet of floor area per occupant. Rooms or areas of unfinished basements shall not be used as bedrooms.
 - b. Every living room shall contain not less than 120 square feet of floor area for one (1) to five (5) occupants and one hundred fifty (150) square feet of floor area for six or more occupants.
 - c. Every dining room shall contain not less than eighty (80) square feet of floor area for three (3) to five (5) occupants and one hundred (100) square feet of floor area for six (6) or more occupants.
- (27) Smoke alarm: Owners of all buildings which fall under this ordinance shall provide a minimum of one (1) approved single-station smoke alarm installed in the following areas:
- a. Outside of the sleeping area(s) in the immediate vicinity of bedrooms. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling;
 - b. In each room used for sleeping purposes. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling; and
 - c. In each story within a dwelling or dwelling unit including basements and cellars but not including crawl spaces and uninhabitable attics. Each smoke alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling.

When activated, the smoke alarm shall provide an alarm suitable to warn the occupants within the individual room and dwelling or dwelling unit.

Prior to renting a dwelling or dwelling unit, it is the owner's responsibility to ensure that all required smoke alarms are installed and functioning properly. After occupying the dwelling or dwelling unit, it is the occupant's responsibility to ensure that every smoke alarm in his/her dwelling or dwelling unit is maintained in proper functioning condition at all times.

- (28) Carbon monoxide alarm: Where work requiring a permit occurs within a new or existing dwelling or dwelling unit that has an attached garage and/or a fuel burning appliance, an approved carbon monoxide alarm shall be installed outside of each sleeping area in the immediate vicinity of the bedroom(s). Each carbon monoxide alarm shall be installed on the ceiling or wall approximately six (6) inches below the ceiling.

(Ord. No. 4788, art. 3, 11-16-15)

Editor's note— Ord. No. 4788, art. 3, adopted Nov. 16, 2015, repealed the former § 15-346, and enacted a new section as set out herein. The former § 15-346 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, adopted Sept. 22, 2014.

Sec. 15-347. - Enforcement and inspection authority.

- (1) The city manager shall enforce the provisions of this ordinance and is hereby authorized to make inspections to verify that a dwelling or dwelling unit is in compliance with this article.
- (2) Inspection access: Initial request for inspection access shall be made to the owner, operator, or occupant of a dwelling or a dwelling unit. If the owner, operator, or occupant fails or refuses to allow inspection access to the dwelling or dwelling unit for any inspection pursuant to this ordinance, the code official will notify the owner, operator, or occupant of the dwelling or dwelling unit in writing of the inspection access request. The owner or operator shall provide access within twenty-four (24) hours of receiving written inspection access request. If a written request is still denied by the owner, operator, or occupant, then the code official may seek a search warrant or other appropriate court order authorizing such inspections and/or may suspend such license and/or revoke occupancy permit until entry and inspection is allowed.

(Ord. No. 4876, art. 5, 8-1-16)

Editor's note— Ord. No. 4876, art. 5, adopted Aug. 1, 2016, repealed the former § 15-347, and enacted a new section as set out herein. The former § 15-347 pertained to similar subject matter and derived from Ord. No. 4629, art. 1, Sep. 22, 2014.

Sec. 15-348. - Notice of violation.

Whenever the code official determines that any dwelling or dwelling unit or the premises surrounding any of these fails to meet the requirements set forth in this article, he shall issue a notice setting forth the alleged failure and advising the owner or operator, and occupant that such failure must be corrected. This notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violations of this article;
- (3) Describe the dwelling, dwelling unit or other premises where the violations are alleged to exist or to have been committed;
- (4) Provide a reasonable time not to exceed three (3) months for the correction of any alleged violations; and
- (5) Be served on the owner or operator, and occupant of the dwelling or dwelling unit by personal delivery, regular mail, certified mail, and/or private courier addressed to the last known place of residence of the owner or operator, and occupant. If upon a diligent effort to locate the owner or

operator and occupant none can be found, notice may be posted on or near the dwelling, dwelling unit, or premises described in the notice.

(Ord. No. 4876, art. 6, 8-1-16)

Editor's note— Ord. No. 4876, art. 6, adopted Aug. 1, 2016, repealed the former § 15-348, and enacted a new section as set out herein. The former § 15-348 pertained to similar subject matter and derived from Ord. No. 4788, art. 3, Nov. 16, 2015.

Sec. 15-349. - Suspension/revocation.

A landlord license may be suspended upon a finding by the code official that the licensee has not paid the annual landlord license fee, any assessed late or inspection fees, and/or currently has occupancy permits revoked for three (3) or more dwellings or dwelling units. The licensee may not rent any dwelling or dwelling units in the city with a suspended landlord license. Upon suspension of the landlord license, any occupied dwelling or dwelling unit must be vacated within sixty (60) days of the date the license was suspended. An extension beyond the sixty (60) days may be granted by the code official if an eviction lawsuit has been filed with the circuit court. A vacant dwelling or dwelling unit may not be occupied with a suspended landlord license. The code official shall give written notice to the license holder of the violation(s) of this article and the suspension of the landlord license by personal delivery, regular mail, certified mail, and/or private courier. The code official shall also give written notice of the suspension of the landlord license to the occupants involved by first class mail, postage prepaid. The suspended license shall be reinstated upon a determination by the code official that the license holder has complied with all the requirements of this article.

An occupancy permit for a dwelling or dwelling unit may be revoked if it is determined by the code official the dwelling or dwelling unit is unfit and/or unsafe for human occupancy and/or any identified violations of this article were not corrected by the deadline set by the code official. Upon revocation of the occupancy permit, an occupied dwelling or dwelling unit must be made compliant with this article or vacated within sixty (60) days of the date the permit was revoked. An extension beyond the sixty (60) days may be granted by the code official if an eviction lawsuit has been filed with the circuit court. The code official may require the dwelling or dwelling unit be vacated immediately if it is determined the dwelling or dwelling unit is unfit and/or unsafe for human occupancy. A vacant dwelling or dwelling unit may not be occupied with a revoked occupancy permit. The code official shall give written notice to the license holder of the violation(s) of this article and the revocation of the permit by personal delivery, regular mail, certified mail, and/or private courier. The code official shall also give written notice of the revocation of the permit to the occupants involved by first class mail, postage prepaid or personal delivery. The revoked occupancy permit shall be reinstated upon a determination by the code official that the dwelling or dwelling unit has complied with all the requirements of this article.

(Ord. No. 4876, art. 7, 8-1-16)

Editor's note— Ord. No. 4876, art. 7, adopted Aug. 1, 2016, repealed the former § 15-349, and enacted a new section as set out herein. The former § 15-349 pertained to suspension and derived from Ord. No. 4788, art. 4, Nov. 16, 2015.

Sec. 15-350. - Secure unfit and vacated dwellings.

The owner or operator of a dwelling or dwelling unit which has been declared unfit for human habitation or which is otherwise vacant for a period of thirty (30) days or more, shall make it safe and secure so that it is not hazardous to the health, safety or welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit with open and unguarded doors or windows shall be deemed to be a hazard to the health, safety or welfare of the public and a public nuisance within the meaning of this section. Any dwelling or dwelling unit determined to be a dangerous building under article VII of chapter 7 of the city code shall be deemed to be in violation of this section.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-351. - Process of complaint.

Complaints may be made to the code official in writing, by email, telephone call or other acceptable means.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-352. - Appeal to city manager.

Any person aggrieved by any decision of the code official may appeal the decision within ten (10) days to the city manager.

(Ord. No. 4629, art. 1, 9-22-14)

Sec. 15-353. - Penalty.

Except as otherwise provided in this section, any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by imprisonment in the city jail for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. No. 4629, art. 1, 9-22-14)

Secs. 15-354—15-360. - Reserved.